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

**To:** Rory Love – Cabinet Member for Education and Skills

**Subject:** Special School Review

**Decision no:** 24-00097

**Key Decision :** Key Decision

- Multi-division impact
- Significant service review / development

**Classification:** Unrestricted

**Past Pathway of report:** Children’s Young People and Education Cabinet Committee – 16<sup>th</sup> May 2024

**Future Pathway of report:** Cabinet Member Decision

**Electoral Division:** All electoral divisions

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**Is the decision eligible for call-in? Yes**

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**Summary:** The aim of this report is to set out the proposed next steps in KCC’s strategic planning for state-funded special school provision in Kent for children and young people with special educational needs. It follows a public consultation on proposals related to:

- Changes to the designation and accompanying admissions guidance for some special schools in Kent. This is with the intention of creating equity of access to special school places for those children with severe and complex SEND and to support these children and young people in becoming independent within or near their local community as adults.
- Introduction of a School-to-School model of support - KCC envisions mainstream and special schools both being able to visit each other’s settings, interact and collaborate to learn about teaching, planning, staffing and finances. This approach aims to address the support needs of local schools more responsively.

The report will summarise the key findings from the special school review and the subsequent consultation. It will then outline how amended proposals would be introduced, alongside a future proposed phasing of the special school review which will address new areas identified during the consultation.

**Recommendation(s):**

That the Cabinet Member for Education and Skills agree the proposed decision as detailed in the Proposed Record of Decision

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## 1. Introduction

- 1.1 Following two critical SEND Area Inspection reports in 2019 and 2022, Kent County Council (“**KCC**”) has been working to reform the education system in Kent to improve the educational provision and opportunities for children and young people across the county. This reset has been fully co-constructed with the full spectrum of stakeholders in the sector, and it will enable KCC to fulfil its statutory duty to commission good quality school places matched to pupil need. This work has been reported on previously and includes:
- 1.1.1 A review and action plan for Early Years.
  - 1.1.2 Investment over four years in training and development of mainstream school staff and governors, to make mainstream schools more inclusive (this is ongoing and increasingly practitioner led).
  - 1.1.3 A review of Specialist Resource Provision (“**SRP**”) in mainstream schools resulting in a new, consistent Service Level Agreement, providing transparency about the offer pupils can access and greater clarity on the value this provision adds.
  - 1.1.4 A review and action plan for post-16 provision, known as the Pathways for All programme.
  - 1.1.5 The KCC Commissioning Plan for School Places and the SEND Sufficiency Plan and;
  - 1.1.6 The draft Education Accessibility Strategy for 2024-27 and Schools Access Initiative Policy and Procedure.
- 1.2 Work is also on-going to improve KCC’s commissioning of school places from the private sector.
- 1.3 To develop a cohesive continuum of education provision for children and young people with additional and Special Educational Needs, it is therefore essential to also consider the role of the state funded special school sector so that all children with special educational needs and disabilities (“**SEND**”) in its area have access to suitable education, within their local communities. The aim is that this provision will prepare them for adulthood and will be an efficient use of resources, through KCC fulfilling its statutory duties by commissioning places that the data shows are needed.
- 1.4 On 16th May 2024, Local Authority Officers presented papers related to Kent County Council’s system wide transformation projects to the Children, Young People and Education (“**CYPE**”) Cabinet Committee. These reports encompassed the Special School Review, the Locality Model for Special Educational Needs Inclusion (now termed Communities of Schools) and the Specialist Resource Provision Review. The content detailed the coordinated work undertaken since November 2022 to review historic and current issues and gaps in state-funded education for children with SEND. This included special school provision and a proposed plan to implement cohesive system-wide change within the Kent SEND education system. These changes aim to address the related issues raised in the 2019 OFSTED inspection and the subsequent re-inspection of 2022.

- 1.5 In relation to the Special School Review, the Committee endorsed public consultation, following the extensive preparatory work outlined above, to obtain feedback on proposals to change the SEN designations (i.e. the type of SEN provided) for some special schools in Kent, and changes to admissions guidance for certain schools. The consultation also sought feedback on proposals to adopt a new school-to-school support model (the “**Consultation**”). The Consultation was the first step in KCC’s decision-making process. Any changes to the type of SEN provision made at maintained schools can only be implemented by following statutory procedures, and no final decision will be taken until those procedures are completed.
- 1.6 The aim of the proposals is that KCC will plan special school places for children and young people who have severe and complex special educational needs, so that such children and young people can access suitable special school places in or near to their local community to support them in preparation for independence in adulthood.
- 1.7 The proposals under consideration at this stage are to:
- Propose changes to the designations and accompanying admissions guidance for some special schools in Kent. This is with the intention of creating equity of access to special school places for those children with severe and complex SEND and to support these children and young people in becoming independent within or near their local community as adults.
  - The introduction of a new School-to-School model of support - KCC envisions mainstream and special schools both being able to visit each other’s settings, interact and collaborate to learn about teaching, planning, staffing and finances. This approach aims to address the support needs of local schools more responsively.
- 1.8 The changes proposed are consistent with KCC’s statutory duties, including its duty to plan sufficient school places for all children with SEND. As part of its programme to transform SEND provision across the county, KCC has planned special education provision for children across mainstream schools, Specialist Resource Provisions (“**SRP**”) in mainstream schools, and special schools. The aim of planning special school places for children and young people who have severe and complex special educational needs must be viewed alongside the ongoing work to improve educational provision for all children and young people with SEND, including in mainstream and SRP settings.
- 1.9 This is being addressed in mainstream schools through the Countywide Approach to Inclusion Education, previously endorsed by CYPE Cabinet Committee and by having defined clear expectations for supporting children with SEND through KCC’s Mainstream Core Standards. The proposed new school-to-school support model is also intended to improve the SEN provision for children attending mainstream schools. In SRPs, places have been planned for children with SEND who have an Education, Health and Care Plan (“**EHCP**”), who can potentially follow a mainstream curriculum with reasonable adjustments, specialist input and/or adaptations, and would be able to engage in some learning and or socialisation in a mainstream environment during their school career.

- 1.10 The initial recommendations presented to CYPE Cabinet Committee in May 2024 have been further developed following an analysis of the public consultation feedback, and data and evidence that has been collected by KCC. This paper presents the proposed next step in considering changes to be made to Kent's special school sector.
- 1.11 It should be noted that any of the changes to the special school provision in Kent that are detailed in this paper would apply to admissions from September 2026, with incremental change taking place year on year. Children who already have placements in special schools in Kent would remain in their current placements, with their needs continuing to be reviewed in accordance with the usual EHCP annual review process as happens now.
- 1.12 It is also essential to view these proposals within the broader context of KCC's SEND transformation programme, which will continue with the implementation of the Communities of Schools (previously termed the Locality Model for Special Educational Needs Inclusion) in September 2025. The Communities of Schools model focuses on KCC and mainstream schools working together to make mainstream schools more inclusive, and for them to provide suitable education for children and young people with SEND. It is focused on developing greater collective responsibility for children and young people with SEND in a local area co-terminus with health boundaries wherever possible and improving financial control of the High Needs Funding Budget.
- 1.13 The earlier planned implementation of the Communities of Schools model would mean that those changes have one year to embed before any gradual adjustments to the designation of special schools in Kent would be made. In conjunction with the above proposals, it is intended that SRP provision will also grow across Kent to address gaps identified through the SRP review. These changes will work jointly to create clear curriculum pathways focused on meeting the needs of all children and young people with SEND and preparing all children and young people with SEND for independence in adulthood.

## **2. Context**

### *Safety Valve Agreement with DfE*

- 2.1 KCC entered into a Safety Valve agreement with the DfE in May 2023. The DfE Safety Valve Programme is designed to eliminate KCC's deficit in its Dedicated Schools Grant by the end of 2027-2028. By this agreement with the DfE, KCC has agreed to implement a DSG management plan. This includes action to implement the Countywide Approach to Inclusion Education, by improving the SEN offer in mainstream provision (which is also the subject of a separate consultation) and by ensuring there is sufficient and consistent capacity across the county to support children with severe and complex needs in their local area where possible.

- 2.2 Part of this programme includes KCC reviewing the specialist education continuum to ensure only the most severe and complex needs are supported in special schools. The Safety Vale agreement allows Kent to return to a position that fulfils its statutory duty to provide SEN support within the financial envelope provided to KCC in a sustainable and measured manner.

### Current special school provision

- 2.3 Kent's current pattern of special school provision originated from a reorganisation that took place 20 years ago. That reorganisation marked a change from special schools catering for pupils with moderate learning difficulties and those with speech and language or specific learning difficulties. At the time, there was an anticipated reduction in demand for such provisions. Special schools for pupils with severe, profound, and multiple learning difficulties were expected to accommodate a small number of pupils with borderline moderate learning difficulties or severe learning difficulty. A summary of the historic decisions made in the previous special school reorganisation can be found in appendix A. This summary highlights what can be achieved when KCC and special schools work collectively to address the pressures present in a system where collective pupil need is no longer being met with existing provision.
- 2.4 The landscape for SEN provision in Kent has changed considerably since the previous reorganisation. The demand for specialist provision has risen significantly, placing substantial pressure on the system. The number of pupils in private and non-maintained special school placements has grown from 240 in 2006 to over 1,700, with associated costs now over £75 million (23% of the annual High Needs Funding allocation for Kent children with SEND in 2024-25). Similarly, the number of pupils in PSCN (profound, severe and complex needs) schools has far exceeded the original provision plan, now averaging 350 pupils per school and substantially more attending Five Acre Wood in Maidstone. Additionally, three new special free schools have been approved to open in the upcoming years, two of which are designated as PSCN schools:
- 2.4.1 Swanley Free Special School: Designated for pupils with PSCN, providing 250 places. Initial proposed opening of September 2026 (delay expected; awaiting an updated opening date).
  - 2.4.2 Whitstable Free Special School: Designated for pupils with PSCN, providing 120 places. Initial proposed opening of September 2026 (delay expected; awaiting an updated opening date).
  - 2.4.3 Estuary (formerly Nore) Academy: Designated for pupils with SEMH needs, providing 120 places (opening in January 2025).
- 2.5 Schools that we previously identified as "behaviour and learning" have evolved over time into SEMH schools, with Goldwyn and Portal House now accommodating children with a wider range of learning levels. Pupil numbers in these provisions have also surpassed initial planned numbers (Goldwyn originally designated for 60 places is now 195 and Portal House originally designated for 60 places is now 80). There has also been a significant increase

in numbers of pupils with an autism diagnosis, with an associated growth in demand for specialist places.

2.6 Prior to 2018, KCC's data was broadly in line with national data, but by the time of the 2019 inspection, KCC's data showed rapidly increasing placements in special schools and an associated deviation from national data both in relation to the percentage of the child population for whom an EHCP is maintained and, the percentage of children placed in special schools, a trajectory of increases which has continued. This would strongly suggest management of the system in Kent is a critical factor in this variation, rather than a change in pupil needs.

2.7 KCC has historically planned some special school places whose curriculum pathway is aligned with children in a mainstream school. These are children who, in other Local Authority areas, have their needs met in mainstream schools. The hypothesis that Kent has placed children with more modest learning difficulties in special schools has been supported by some special school headteachers who have themselves identified pupils who could be successfully educated in mainstream schools. Kent now has the highest percentage of pupils aged 2-18 in special schools among all shire counties. Both the number of placements and the associated expenditure have increased significantly over the last five years, with spending on these provisions nearly doubling since 2018/19. Currently the average cost of educating a pupil with an EHCP in a mainstream school is £8,600, in a state funded special school £23,600 and in a private sector independent school £46,900. Published attainment data<sup>1</sup> shows during this time there has been no improvement in pupil outcomes, with the gap between all Kent pupils and those with SEND continuing to be in line with the national data. Following changes in service leadership, the poor attendance of pupils with EHCPs is now improving.

### Key Principles of the Special School Review

2.8 The carrying out of the Special School Review was informed by the lessons learnt from the outcome of the previous one, alongside the extensive information gathered through the pre-consultation review process. The revised special school model addresses financial constraints and proposes strategic changes to ensure a financially sustainable approach, whilst applying a strong values-based approach to the changes proposed.

2.9 The key values underpinning the proposed changes presented in this report are:

- 2.9.1 Meeting needs locally: Education should be provided as close to home as possible, ideally within local mainstream schools, to enable pupils to remain part of their local community as they prepare for their place in the community in adulthood.
- 2.9.2 Equity of access: Access to support and provision for children and young people with SEND should not be determined by their

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<sup>1</sup> <https://explore-education-statistics.service.gov.uk/data-catalogue/data-set/44e1c9ad-3426-42ae-befe-a9378999e928>

place of residence. This calls for an equitable distribution of special school places across the county, ensuring that the provision aligns with varying levels of need in different areas accounting for population and socio-economic factors.

- 2.9.3 Pupil Outcomes: Kent plans special school placements for children and young people with severe and complex needs, so that those young people are supported in achieving outcomes of independence in adulthood through the provision of an adapted curriculum, as far as is possible.

## Shared Vision and Outcomes

- 2.10 The proposed changes, if adopted in due course, would align with both internal KCC strategies as well as those developed by our health sector partners, Integrated Care System (“**ICS**”) and NHS Kent and Medway. This collaborative approach focuses on improving services for children and young people with SEND, ensuring that efforts across education and health sectors are cohesive and work towards shared strategic goals.
- 2.11 These proposals should be considered alongside KCC’s Countywide Approach to Inclusive Education (“**CATIE**”)<sup>2</sup>, the SEND Strategy<sup>3</sup>, which has recently been subject to consultation, the Accessibility Strategy and the Education Strategy which is in development stage and follows the same principles that inform those two complementary papers. All have been created in collaboration with partners across health, social care and education sectors, as well as including input from parents, carers, children and young people.
- 2.12 The CATIE focuses on how children and young people with SEND are supported in mainstream education in Kent. It outlines that working together in a collaborative, sustainable system, will ensure equity of education. Key outcomes of the commitment to a Countywide Approach to Inclusive Education include the sense of belonging that children and young people with SEND experience and the genuine respect and value promoted among all school children enabling them to achieve their best. The proposed changes are aligned with the move towards mainstream education becoming increasingly inclusive and supports the priorities detailed in the CATIE.
- 2.13 The Education Strategy emphasises the importance of ensuring all children and young people including those with SEND, are supported in their pursuit of ambition, curiosity, and resilience. This focus aligns with the strategic aims of both the special school review and the SEND strategy, including KCC’s objective of ensuring that special school placements are planned so that children and young people with severe and complex SEN are able to access special school placements in their local areas.
- 2.14 The SEND strategy outlines KCC’s vision for an inclusive, supportive and ambitious education system for all children and young people. The aim is to remove barriers to learning and participation in mainstream education,

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<sup>2</sup> [A Countywide Approach to Inclusive Education \(kelsi.org.uk\)](https://www.kelsi.org.uk)

<sup>3</sup> [Documents | Kent SEND Strategy 2025-2028 | Let’s talk Kent](#)

enabling children to grow and thrive within their local communities. Both the proposed special school changes and the SEND Strategy share a common belief that, with high aspirations, equitable access to educational opportunities, and appropriate support, children and young people with SEND can achieve successful long-term outcomes.

2.15 Research<sup>4</sup> demonstrates that with the appropriate attitudes, skills, and resources, most pupils' needs can be effectively met in mainstream settings, yielding both academic and social benefits for these pupils and their peers. The changes proposed are to ensure that mainstream schools are able to meet the needs of children and young people with SEN where it is suitable and appropriate to do so, and that SRPs and special school placements are available for children and young people with severe and complex SEN where their needs cannot be met in mainstream settings.

2.16 If mainstream education is not suitable, for example because of the extent to which curriculum needs to be adapted in order to provide suitable education, then children with SEN should attend a specialist provision, such as a special school or an SRP, within their local area. KCC's SEN provision should be capable of serving the vast majority of pupils without the need for out-of-Kent placements.

2.17 Parents of children with an EHCP can express a preference for a school placement for their child, and KCC will continue to comply with its statutory duties in individual cases, to accept those preferences, unless to do so would be incompatible with the provision of suitable education, the efficient education of others or the efficient use of resources

2.18 The ICS Strategy<sup>5</sup> is focused on supporting access and equity of provision and ultimately life chances for approximately 17,500 of our most complex and vulnerable children and young people. Key alignments between the special school review recommendations and the ICS Strategy include;

2.18.1 Improving outcomes for children and young people: Both emphasise improving health, education, and long-term prospects for children, especially those who are vulnerable or have specific needs.

2.18.2 Addressing health inequalities: There is a shared focus on reducing disparities in health and care access, ensuring that services are equitable and responsive to local needs.

2.18.3 Early intervention and targeted support: Both prioritise early and targeted interventions for vulnerable children, aiming to improve their independence over the long term.

2.18.4 Localised and specialised care: A shared aim to improve access to high-quality, specialised care and education services, particularly for children with severe and complex needs, so that they can receive the right support close to home.

## Supporting Data

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<sup>5</sup> [Kent and Medway Integrated Care Strategy :: Kent & Medway ICS \(kmhealthandcare.uk\)](https://www.kent.gov.uk/media/1000000/kent-and-medway-integrated-care-strategy-2021-2026)



2.19 Following the CYPE Cabinet Committee in May 2024 where the proposal for the consultation was discussed, further work continued on the rationale for the proposed changes informed by themes raised by Members and participants in the consultation. This section will review supplementary data that has been gathered since presenting to CYPE Cabinet Committee on 16<sup>th</sup> May 2024, which can be found in appendix 1. This analysis highlights the many ways that KCC’s practice and planning for special school placements has deviated from national and statistical neighbour norms in recent years.

2.20 Appendix 1, item 1 “Special School Rate, Kent at National Average”, concentrates on the percentage of pupils living within a district or area who are placed in a special school (state funded and private/independent) taking into account the deprivation level (using the Income Deprivation Affecting Children Index (IDACI)). Nationally, deprivation has been linked to the prevalence of SEND and is used as a key measure in the distribution of High Needs Funding between Local Authorities. Chart 1 shows that Kent overall and in each of its districts has a higher percentage of pupils in a special school in comparison to the national average. Overall, Kent recorded 2.3% of the population in special schools, while the percentage for England was 1.6%. The percentage for Kent’s nearest Local Authority neighbours is shown below in table 1 which also clearly shows Kent as an outlier.

Table 1. The percentage for other Local Authorities.

<b>Local Authority</b>	<b>Special School Rate Population</b>
<b>Kent</b>	<b>2.3%</b>
Nottinghamshire	1.0%
West Northamptonshire	1.5%
Essex	1.4%
Suffolk	1.3%
Lancashire	1.7%
East Sussex	1.8%
Swindon	1.8%
Staffordshire	2.0%
Warwickshire	1.7%
Worcestershire	1.9%

2.21 Item 1, chart 2 shows the percentage of pupils in a special school taking into account the deprivation level (using the Income Deprivation Affecting Children Index (IDACI)) at an area level. This illustrates that East and South have the highest percentage of children who live in that area placed in a special school out of the four areas, which may be expected due to their higher IDACI rating. North and West can be seen to have a lower percentage of population in a special school however as West has the lowest IDACI score out of all the areas of Kent this would be expected to result in the area having the lowest percentage of the population in a special school, which is not the case.

2.22 Appendix 1, Item 2, displays the current special school rate by both district in chart 1, and at an area level in chart 2. Both charts and table 1 in item 2, show the necessary adjustment required for these districts and areas to

reach in order to come in line with the national average of pupils in a special school. These charts take into account the local variability observed across the county's districts based on deprivation levels. This data is using the percentage of the child population who are resident in that area, have an EHCP and are placed in a special school (not necessarily in that area or state funded). Table 1, column 3 titled "Adjusted for Kent to be at National Average" shows if KCC are planning for local provision for local children and are planning for the percentage of children that you would expect to provide for nationally, then the percentage of the child population once adjusted according to the demographic profile of that area would be as set out. This shows that East and West are the areas which are most out of kilter according to the national average.

- 2.23 KCC's use of special school placements as shown in appendix 1 item 3 "2024 EHCP England vs. Kent" shows that when comparing the distribution of EHCP placements, KCC places proportionally more children and young people in special schools and fewer in mainstream settings, compared with national averages. Specifically, 41% of Kent's pupils with EHCPs are placed in a special school (either state-funded or private), compared to 32% nationally. In contrast, 35% of KCC's pupils with EHCPs are placed in mainstream schools, which is lower than the national average of 43%.
- 2.24 In further support of this proposed change there has been an update to the data available for the High Needs Funding budget since the last report was presented on 16th May 2024, which can be viewed in appendix 1, items 4 and 5. It highlights the disparity in the allocation of High Needs Funding relative to the number of pupils with EHCPs across different types of educational settings.
- 2.25 State funded special schools, for example, receive 45% of the High Needs Funding budget ("**HNFB**") while they account for 32% of the EHCP pupil population. Private independent settings receive 23% of the HNFB and account for 9%. Mainstream schools, which support a similar number of EHCP pupils at 32% receive 14% of the HNFB. If special schools are catering for pupils with more or the most complex needs, then it is reasonable that the costs will be higher, however the current position in Kent is that a disproportionately high level of the resources are distributed to the specialist sector. This inequity in funding distribution highlights the need for a reassessment to ensure a more balanced and equitable allocation of resources across educational settings.
- 2.26 Appendix 1 item 6 "Kent Special School Pupils", is an overview of the Kent special school landscape, showing which districts, special school pupils are attending based on their primary need. This reflects where the special schools are and their designation. It highlights the inequity of provision across the county and shows where several districts have gaps in provision.
- 2.27 Appendix 1, item 7 "2024 EHCP England vs Kent vs District" shows that a particularly high percentage of children and young people with EHCPs are placed in special and private schools across all Kent districts. The average percentage of these placements in Kent is 40.5%, significantly higher than the national average of 32.1%. Maidstone records the highest proportion, with 50% of its EHCP pupils in special schools, while Dover, at 34%, reports the lowest rate, still above the national average. These figures illustrate a broader challenge in Kent, where there is a greater reliance on special and private

schools to meet the needs of children and young people with EHCPs, further straining financial constraints.

2.28 This disparity between districts highlights the impact of differences in management, administration and culture which have created inequities for children and families within Kent's special school system as well as adding challenge to KCC's role as commissioner of school places. There are clearly districts with disproportionately high special school usage, and more inclusive education districts which would be well placed to take more of a leadership role, through the sharing of existing effective practice, to ensure more equitable distribution of placements and resources across Kent.

2.29 When considering the distribution of EHCPs by need type as shown in appendix 1 item 8 "2024 SEND Pupils England vs Kent", Kent has proportionally more pupils with an EHCP for Autism Spectrum Disorder ("**ASD**"). In 2024, 46% of Kent's pupils with EHCPs were diagnosed with ASD, compared to the national average of 33%.

### Analysis of Other Local Authorities

2.30 The designation of special schools is not prescribed, although the SEND Code of Practice identifies four broad areas of need and support, namely: (i) communication and interaction; (ii) cognition and learning; (iii) SEMH; and (iv) sensory and/or physical needs. There is variation across Local Authorities in England in how their special schools provision is organised. Outside of Kent, special schools are often designated for the following type of SEND provision: (i) severe/profound learning disabilities (SLD/PMLD); (ii) for SEMH needs; and (iii) for 'complex' needs, which are typically schools that used to be for pupils with moderate learning difficulties ("**MLD**") and have widened their range. The changes to particular school designations being considered by KCC are intended to ensure that special schools in Kent are organised in a way which is appropriate to meet the needs of children and young people with SEN in our area.

2.31 In some Local Authorities, there is a further degree of specialism, particularly for pupils with autism. This is a more recent development with Local Authorities keen to strengthen their local options as an alternative to higher cost placements in the private non-maintained sector. However, with increasing levels of diagnosis, there is recognition that all types of provision, including mainstream schools need to be able to provide suitable education for children who are neurodiverse and may have a diagnosis of autism. The trend in state-funded special schools has been towards more generic local provision, reducing the distances that pupils have to travel and avoiding unnecessary residential costs. Special schools for pupils with physical disabilities or sensory impairments (visual and hearing) are now relatively rare. This is connected to shifting attitudes and legislation regarding the rights of disabled people. As a result, education for children and young people with disabilities must be developed with accessibility and reasonable adjustments planned across the education sector. The curriculum available to children and young people with disabilities must be as comprehensive as that provided to their peers without

disabilities. This offer also needs to be consistent for all pupils with disabilities, rather than limited to a small number of settings. In other Local Authorities, this has led to parents and carers expressing a preference for their child or young person to attend a mainstream school, with the same as opportunities to access the breadth of curriculum and activities as all children and young people within a local area.

### Engagement Events

2.32 Throughout the consultation period, KCC Officers actively engaged with the full spectrum of stakeholders to discuss and gather feedback on the proposed changes. This involved attendance at several professional and public events. Two face-to-face events were held specifically for special school Headteachers and Chairs of Governors, with some Headteachers attending both sessions. Additionally, four online events were conducted for mainstream Headteachers. Parent and carer engagement was also a priority, with five online events held, attracting over 200 participants in total, which were promoted through the Kent PACT networks. Three focus groups were organised with students from special schools as part of the Kent Young People's Voice Project. These groups were facilitated by Assistant Educational Psychologists ("AEPs") and involved students from schools representing different quadrants of Kent, particularly those with proposed changes to their designation or admission guidance. A cross section of seven specialist schools were also invited to participate in the Kent Young People's Voice Project. One online event was held for other Local Authorities, to identify further opportunities to strengthen proposals.

## **3. Public Consultation Overview**

3.1 The public Consultation was conducted from 19 June to 14 August 2024 and included a two-week extension due to a change in the recorded designation for Valence School.

3.2 The evidence detailed above and in Appendix 1 shows we are not achieving our duties in relation to the planning of special school placements as effectively as we could be. The results of the Consultation are being used to inform the investment of resources, for example in greater parental engagement, to address issues and misunderstandings, as well as to build confidence in KCC's commissioning intentions going forward.

3.3 The Consultation received 1,351 responses, which is considered a high response rate reflecting the role that special schools play within the SEND sector. The majority of respondents, 86%, identified as parents or carers of children in education. Just over two thirds of respondents, 68% had a child with SEND and an EHCP who are educated in Kent, while 18% had a child with SEND but who do not have an EHCP. Responses on behalf of special schools accounted for 10%, while responses on behalf of mainstream schools accounted for 4%.

3.4 The strong response from the special school community highlights the high level of interest in the consultation, which is to be expected as special

school Headteachers have been a key stakeholder throughout the review. The active involvement of special school staff in raising awareness within their school communities supported the significant efforts undertaken in the Consultation to reach as broad an audience as possible.

### Consultation Questionnaire and Summary of main responses

3.5 The consultation questionnaire invited respondents' views across four topics:

- (i) a special school expectation statement for KCC;
- (ii) proposed changes to the designation and accompanying admission guidance of particular special schools in Kent;
- (iii) the proposed implementation of any such changes; and
- (iv) a proposed new school-to-school support model.

Appendix 2 contains a summary and analysis of feedback to the Consultation, which has been collated by an independent third-party company commissioned by KCC for that purpose.

3.6 Table 3 below shows the net agree and net disagree analysis of each proposal within the consultation.

Table 3. Public consultation results: net agree and net disagree.

Proposal		Net Agree	Net Disagree
A proposed special school expectation statement for KCC.		50%	44%
Proposed changes to the designation (i.e. the type of SEN provision made at the school) and accompanying admission guidance for particular special schools in Kent.		18%	70%
Proposed implementation timescales of any such changes.		24%	61%
Proposed school-to-school support model.	Special schools supporting transition for children or young people (re)integrating into mainstream settings.	49%	40%
	Special schools designating specific days when mainstream colleagues are invited to visit, shadow special school staff and observe their practices.	62%	27%

	Mainstream settings being able to request a one-to-one consultation with lead teachers from special schools on specific aspects of educations.	63%	26%
	Special schools proactively working with local FE colleges and other providers to improve adapted curriculum and access to specialist teaching facilities in the Post-16 sector.	68%	20%

3.7 A summary of the main response themes from each key stakeholder group consulted is also set out below.

3.8 Special school Headteachers expressed concerns during the consultation period:

- A primary issue was the suitability of buildings proposed for designation changes. Headteachers noted that, without necessary adaptations, these buildings were not fit for providing appropriate education to the children the Local Authority planned to place there. In some cases, there were concerns that even with adaptations, limitations such as planning restrictions could prevent the environment from becoming suitable for the intended pupils.
- Another concern raised was about the potential impact of admitting children with learning difficulties into C&I (Communication and Interaction) special schools. Headteachers argued that this would negatively affect the current cohort of children with complex needs, potentially leading to an increase in demand for private school placements. This criticism was particularly focused on the proposal to introduce a new designation of "Neurodivergent with Learning Difficulties" for Kent special schools.
- Headteachers highlighted the need for clarity regarding the funding of a proposed "school-to-school" support model. Without a clear understanding of the financial framework, they found it challenging to engage in discussions about the potential role of special schools in supporting pupils with SEND in mainstream settings. KCC does not agree that additional funding is required for this support model. Some special schools are already supporting their local mainstream schools with the activities outlined in the consultation within their existing resources.

3.9 The parent and carer consultation sessions revealed:

- A general lack of confidence in mainstream schools' ability to meet the needs of children and young people with SEND.
- Concerns about the proposed removal of the designations for C&I needs and physical disabilities and complex medical needs, fearing that this could result in some children falling through the gaps in service provision.
- Parents and carers shared personal stories of their children's needs not being met and having placements in PSCN schools which had not

been successful prior to being placed in the C&I special school Stone Bay.

- There was a widespread misconception around the possibility that children currently enrolled in special schools might be removed if proposed changes to the designation of particular special schools were implemented. In each session, Local Authority Officers reassured attendees that no child currently in a special school would lose their placement as a result of the proposals.
- Parent's and carers were keen to have a continued open dialogue with Local Authority Officers in relationship to the special school sector going forward.

3.10 Officers also engaged with students:

- Some students who participated in Kent Young People's Voice Project felt that those with severe and complex needs should be prioritised for specialist provision. Others recognised the importance of considering individual needs and abilities in deciding whether a mainstream setting might be appropriate.
- Students responded positively to the proposed "school-to-school" support model, welcoming the idea of improving mainstream schools' understanding of special school practices as a way to bridge the gap between the two.
- They also appreciated the opportunity to share their views directly with KCC and expressed a desire for this to continue.
- Students implied the need for greater information on their futures from KCC but also from individual colleges and settings. The implication being that both the student as well as their families would have greater confidence in their future aspirations.
- The students spoke about the positives of attending a local school and noted how students with SEND struggle with long journeys. It was important to the students that local schools would need to be able to meet their needs and have the right facilities.

Responses to these concerns are addressed below and in greater detail in KCC's Formal Response to the Public Consultation. This follows a "you said, we did" style query and response format which details how each feedback point informed the development of proposals on their path to this paper. This document is included as appendix 3.

#### **4. KCC response to the Public Consultation**

4.1 KCC's formal response to the consultation which can be viewed in appendix 3.

4.2 A predominant concern raised in relation to the planning of special school places being focussed on children and young people with severe and complex needs was the fear that the strategy proposed fails to take into account children and young people with lower-level needs. Respondents emphasised the importance of ensuring that all children and young people

receive a suitable education and expressed doubts about the capacity of mainstream schools to adequately support children with special educational needs and disabilities.

4.3 There is clear evidence that many mainstream schools in Kent are already successful in achieving this outcome. Further, in response to this concern, KCC is working to ensure that all children and young people with SEND, across all levels of need, are being carefully planned for supported by practitioners who are sharing information on existing effective practice between schools, an approach which will be further strengthened by the Communities of Schools Model.

4.4 A key focus of the Special School Review is to ensure KCC plans special school places for children and young people with severe and complex needs, which cannot be met in mainstream provision, for them to have access to suitable education as close to their community as possible. This aligns with the Government's direction of travel<sup>6</sup> which aims to take a community-wide approach, improving inclusivity and expertise in mainstream schools, as well as ensuring special schools cater to those with the most complex needs. This KCC review has considered strategic guidance set out in the SEND Code of Practice<sup>7</sup> which cites commitments around inclusive education and the removal of barriers preventing children and young people with SEND from learning and participation in mainstream education.

4.5 In addition, KCC is strategically planning for the continuum of special educational needs by setting out the provision expected across all school sectors to ensure children and young people have access to suitable education in or near their local community, building on the existing good practice in schools. This is part of the broader SEND system transformation programme and KCC is working with stakeholders across the Kent education sector to identify a shared understanding regarding the levels of need and corresponding expectations across all educational settings whilst being mindful of the resources available.

### Special School Designations and Admissions Guidance

4.6 Feedback received in relation to the designation, admission guidance and implementation proposals set out in the Consultation understandably reflected strong feelings and emotion among the parent and carer community. The consultation feedback highlighted concerns that the proposed changes could adversely affect children and young people with SEND and changes might cause distress. It should be noted that some feedback was based on misconceptions, such as fears that pupils currently in special school placements would be moved to mainstream schools. To clarify, KCC has not proposed relocating children or young people currently placed in special schools as part of any proposed changes. If the proposed changes to the designation and accompanying admission guidance for particular special schools are adopted in due course, they would apply to children and young

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<sup>6</sup> SEND and Alternative Provision Improvement Plan [SEND and alternative provision improvement plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614442/SEND_and_alternative_provision_improvement_plan_-_GOV.UK.pdf)

<sup>7</sup> [SEND Code of Practice January 2015.pdf \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614442/SEND_and_alternative_provision_improvement_plan_-_GOV.UK.pdf)



people entering a special school placement from September 2026 onwards. The changes would be introduced incrementally, year on year. Children already enrolled in special schools will continue to attend their current schools, with the process for their continued attendance remaining unchanged. Their needs and the suitability of their school placement will continue to be reviewed and considered through the annual review of their EHCP, as it does now.

4.7 KCC and NHS England have recognised the necessity for a new approach to early intervention for children and young people who are neurodivergent in mainstream schools. KCC, NHS England and Kent Pact are all part of the national DfE funded programme, Partnerships for Inclusion of Neurodiversity in Schools (“**PINS**”). Learning will be taken from that programme and will be applied more widely across Kent’s education sector in the future. KCC recognises that many respondents to the Consultation lack confidence that children and young people with neurodiverse needs can thrive or have their needs met in a mainstream school. To address this, we are working with NHS England, Headteachers and Kent PACT to shape the future provisions for these children and young people in mainstream schools. These changes would be put in place at least a year before any changes were to be made to the type of SEN provided at any special school.

4.8 Feedback to the Consultation regarding the proposed change from KCC having five designations of special schools to three revealed a lack of confidence in the ability of mainstream schools to adequately support children and young people with SEND. A key theme emerged around fear, anxiety, and mistrust in mainstream schools' capacity to meet the needs of SEND students. KCC recognises that this is an emotive issue, and responses have been influenced by individual, personal experiences. Alongside this there is a widespread misconception that mainstream schools are unable to effectively support children with SEND which has led to diminished confidence in the mainstream school sector. KCC acknowledges that there is currently variability in the offer at mainstream schools and the capacity of schools to provide for children and young people with SEN. This has led to geographical variations and inconsistent pathways for children and young people with SEN. However, it is important to note that many mainstream schools in Kent are successfully supporting SEN students. Kent’s proposed continuum of need and communities of schools initiatives will ensure that this best practice is shared and a more consistent mainstream offer will be made available, building on the existing Mainstream Core Standards. Additionally, other Local Authorities have effectively included children and young people with a wider range of SEND in mainstream schools, with these children being considered part of the local community. With the right support, mainstream schools can and do meet the needs of SEND pupils effectively. Work on developing Kent’s mainstream school capacity in SEND inclusion has been proactively taking place since 2020 and it is continuing.

4.9 Proposed changes to particular special schools’ designation and accompanying admission guidance are intended to improve accessibility to support for children and young people across the county. This will be achieved by planning special school places for children and young people within or as near to their local communities as possible, enabling them equitable access to resources, the breadth of mainstream curriculum, and facilities. It also fosters

local friendships with peers which supports their independence in adulthood. Local placements in special schools reduce significant travel time minimising the amount of time that children and young people with SEND spend travelling to and from school.

*Proposed designation change from 'physical disabilities and/or complex medical needs' to PSCN*

- 4.10 While children and young people across the county have physical disabilities and complex medical needs, there is currently only one special school in Kent, Valence School, catering to children and young people with those needs. This limits access to specialist support for many preventing a significant number of children and young people from attending the school. At the same time, other schools refuse to accept children or young people for whom KCC considers they could adequately provide an education, citing the availability of Valence School as a specialist school for physical disabilities and complex medical needs. Children and young people that have been precluded from accessing this one school have instead had their needs met in PSCN schools closer to where they live. Across the county there are children and young people with physical disabilities and complex medical needs in all PSCN schools. KCC considers that children and young people with disabilities and complex medical needs should be able to go to their local school and that school should have the skills and expertise needed to meet their needs.
- 4.11 Current data indicates that no students with physical disabilities from Canterbury, Thanet, Dover, Folkestone or Hythe districts attend Valence School. Instead, their needs are being met in local mainstream schools, SRPs, or other local special schools, a trend that has persisted for some time. Additionally, very few local authorities now operate their own special schools for physical disabilities as needs can be met in either mainstream provision, SRPs, or local PSCN special schools. This inconsistent offer across Kent highlights that the current model neither works effectively, nor supports the need for specialist PSCN provision.
- 4.12 In collaboration with NHS Kent and Medway, KCC has reviewed special school nursing service data. Currently, the nursing service is commissioned exclusively for schools catering to pupils with PSCN. However, some special schools in Kent independently purchase this service, while others have their own bespoke arrangements. Due to this, some schools' data is not yet accessible to KCC. KCC's Officers are actively working to obtain this information, but the data available, as shown in Appendix 1, item 9 provides a partial view of the situation. Despite these limitations, the data indicates that children and young people with complex health needs are successfully having their needs met in various PSCN special schools across Kent. It further demonstrates that these schools are equipped to provide suitable education for pupils with similar health needs.
- 4.13 KCC has invested in supporting children and young people with physical disabilities across all schools through their Specialist Teaching and Learning Service for sensory and physical disabilities. KCC is consulting on the future of school-commissioned Specialist Teaching Learning Service, and the physical disabilities, Visual Impairment and Hearing Impairment Teams are

now managed by KCC. There is expertise across the entire special school system in relation to physical disabilities and complex medical needs. We are working with NHS Commissioners to ensure future commissioning ensures equity of access for children and young people with disabilities wherever they live in Kent. The intention of broadening this designation is that all children and young people with severe and complex special educational needs will be able to attend a school that is local or as near as possible to their local community.

4.14 Additionally, KCC is developing an Accessibility Strategy and School Access Initiative which has recently been subject to consultation<sup>8</sup>. The Accessibility Strategy sets out how KCC and its maintained schools currently ensure education is accessible for pupils with SEND. It also sets out the steps KCC plans to take to increase access to the school curriculum, how it will improve the physical environment so that accessibility is not a barrier to disabled pupils or those with SEND, and how it will improve the delivery of information to disabled pupils which is readily available to those who are not disabled. The School Access Initiative is a capital funding stream which will enable KCC to improve the physical accessibility of those maintained mainstream schools for which it has capital responsibility (community, foundation and voluntary controlled schools).

4.15 Concerns raised in response to the Consultation that the proposed changes to schools' SEND designations would result in specialisms being diluted does not acknowledge that teaching staff at special schools have valuable expertise in curriculum adaptation and monitoring the progress of children and young people with SEND. Their key areas of expertise include how to adapt the curriculum, assess individual needs, and monitor progress. KCC proposals expect special schools to work together, to develop their knowledge and skills on specific interventions they may or may not have experience of previously. By doing this, they can gain knowledge about specific interventions, as their skills in curriculum adaptation are generally transferable to different groups of children and young people. A team of experienced educationalists has been put in place as a resource for Special School leaders to access for support as needed through the change process.

#### Proposed designation changes for C&I schools

4.16 The current admission guidance for C&I schools excludes those who are not attaining within two years of their chronological age. This has resulted in cases whereby some children or young people are placed in special schools and attaining within their expected age range, when KCC considers they could receive suitable education alongside their peers in mainstream schools (adapted as necessary). Meanwhile, other children and young people with severe and complex special educational needs who require an adapted curriculum beyond which can be provided at a mainstream school are unable to access a state funded special school placement if those schools are full. As a result, they have been placed in a mainstream school or a non-maintained private special school, contributing to the increasing use of this provision. These pupils must be considered when weighing the impact of the proposed

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<sup>8</sup> [Education Accessibility Strategy | Let's talk Kent](#)

designations changes, as they being failed by the current system and will directly benefit from the recalibration how existing provision is used.

4.17 One Academy Trust suggested that KCC's proposed changes to the designation and accompanying admissions guidance for some special schools may be discriminating against young people with SEND who are studying for GCSEs. KCC does not consider that our proposals discriminate against children and young people with SEN who are studying for GCSEs, as young people with an EHCP will be able to appropriately do so in suitable mainstream and SRP settings, with specialist support and adaptations as necessary. This will allow planning for special school placements for children and young people with severe and complex needs, who are not able to follow a mainstream curriculum. Findings from the Special School Review indicate that historical planning has resulted in inconsistencies in eligibility for a special school place influenced by a child or young person's home location and the availability of access to schools with particular designations. This disparity particularly affects children and young people placed in C&I special schools where admission guidance specifically requires that children are achieving within the range expected for their age or within two years of their chronological age. The education and curriculum on offer at these schools is aligned with a mainstream curriculum offer, delivered by subject teachers whose experience is mainstream subject teaching. KCC considers that, with the right support and/or adaptations in a mainstream setting or an SRP, this cohort of children and young people with SEN could have their special educational needs suitably met outside of a special school setting.

4.18 KCC acknowledges that due to historic established custom and practices, the proposed changes in KCC's planning for mainstream schools, SRPs, and special school provision may feel significant, particularly where there has been an expectation and desire for special schools to support students with lower levels of SEN, including what has been described as 'high functioning autism'. In some cases, the experience that parents and children have had in the past of education in mainstream schools has been variable. KCC acknowledges that attitudes and approaches to inclusion of children and young people with SEND in mainstream schools has been inconsistent.

4.19 Accordingly, during the academic year 2023/24 Headteachers of mainstream schools were invited to sessions led by a mainstream senior school leader, working in partnership with KCC, to establish the range of needs for which mainstream schools currently provide education. This learning will inform the development of a different approach to meeting children's needs through a continuum of provision and a commitment to local collective responsibility for children with SEND, within the financial resources available. As part of this ongoing process, scheduled to conclude in spring 2025, KCC has so far identified considerable variation in how schools interpret and define levels of SEND. Most schools involved in the review had differing perspectives on what constitutes a severe or complex special educational need. Therefore, KCC, in collaboration with schools across mainstream, SRP, and special school sectors, has shifted its focus to curriculum adaptation levels at each provision type, assessing whether each provision type can efficiently support an adapted curriculum.

- 4.20 It became apparent during the meetings between Local Authority officers and schools that all mainstream schools are providing education for children with autism. Many mainstream schools are providing education for children whose learning is significantly more delayed than the two-year gap currently specified for the admission of children to some special schools. These mainstream schools are providing suitable education effectively, making an efficient use of the resources available, and enabling students to make progress towards adulthood with peers in their local community.
- 4.21 For most children and young people studying for GCSEs who may experience high levels of anxiety or need an adapted curriculum, KCC expects that these needs should be met within mainstream schools or SRPs, where they can be. KCC acknowledges that this has not consistently been the case, and the recent SRP review has highlighted gaps in this area, including a lack of secondary SRP pathways in at least three Kent districts for students with autism. To address this, KCC plans to establish improved SRP primary to secondary pathways, in addition to changes to ensure that mainstream settings are more inclusive, that would be operational before any proposed changes to designations of special schools in Kent are made.
- 4.22 In particular, concerns raised regarding the provision for children and young people that are neurodivergent and/or autistic highlights the need for a cohesive strategy that integrates KCC's initiatives with existing NHS provisions. In response to feedback from the Consultation, KCC has initiated this work and is committed to developing a clear, consistent neurodevelopmental pathway. This will ensure that families understand the resources and support available. KCC recognises the importance of formalising its approach to providing a continuum of provision, and how children will be supported in gaining independence in adulthood. This will build on the work of the Autism Education Trust. KCC is now working in partnership with our health colleagues to collaboratively create a strategy.
- 4.23 The consultation also highlighted a lack of confidence among parents and carers of children and young people with autism regarding the SEND system. In response, KCC recognises the importance of establishing a consistent framework for engaging with this group of parents and carers. KCC will involve them in our proposed developments and demonstrate how their feedback is incorporated into KCC's planning. This will be achieved by working with Kent PACT and special schools to establish a Special School Parent Advisory Group which will consist of parent/carer members from each special school. It is proposed that the group will meet by area in person, with KCC Officers. This will ensure there is direct, open and transparent communication between parents and carers at special schools and KCC in relation to the strategic development and planning of special school places. Work is already underway to set up this group, with the first meeting being planned for early 2025. In addition to this an established and regular Special School Young Person Focus Group is being developed by KCC's Assistant Educational Psychologist Team to build on focus groups held for young people at Kent's special schools as part of the review. This is in response to their desire to

continue and embed this open dialogue with KCC. This will allow them to have direct feedback and share their views on the special school sector.

### Proposed School-to-School Support Model

4.24 The main concern raised in relation to the proposed school-to-school model was in relation to a lack of school staff resources and current funding acting as a barrier to support being provided across the settings. The Consultation outlined approaches currently being used in several Kent special schools to support their local mainstream schools through effective knowledge sharing and support strategies. These regular practices have been proactively integrated into their work and are delivered within their current budget constraints. The response from both the special and mainstream schools participating in this has been positive. This indicates that a similar model will work at scale across Kent, without generating a significant resource or funding challenge.

## **5. Proposed Next Steps**

5.1 Following analysis of the feedback to the Consultation, it is recommended that KCC proceed with the proposals and move to the next stage of the decision-making process for changes to the SEND designation and accompanying admissions guidance for particular special schools in Kent.

5.2 In doing so, KCC considers that the proposed changes and identified additional areas of work effectively address the challenges raised by consultees. An options analysis below indicates that no preferable alternatives have been identified during the extensive engagement process undertaken in the development of proposals prior to, or during, the Consultation period.

5.3 It is proposed that a phased approach be taken to KCC’s decision-making in relation to proposed changes to the SEND designation and accompanying admissions guidance of particular special schools in Kent. This paper outlines the proposed changes as part of phase 1.

5.4 As we have outlined throughout, KCC’s overarching proposal is to move to three special school designations (as shown below in Table 4) rather than the current five special school designations. However, KCC considers that it cannot take a final decision on the list of designations prior to further public engagement being completed as part of the statutory procedure for changing the type of SEN provision made at particular maintained schools.

Table 4. Special school designation and accompanying admission guidance

<b>Complex Learning Needs: Profound, Severe, Complex Needs</b>	<b>Social, Emotional, Mental Health Needs</b>	<b>Neurodivergent with Learning Difficulties</b>
Learners have a range of needs including profound, multiple learning difficulties,	Pupils have social, emotional and mental health difficulties with	Pupils have complex special educational needs, they are

severe learning difficulties, and may have autism spectrum condition, communication disorders and associated dysregulated behaviours	associated challenging behaviour, many have had adverse childhood experiences and/or have additional needs, which may include autistic spectrum condition, speech, language and communication difficulties, ADHD and other related conditions	neurodivergent 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. And/or dysregulated behaviours
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## Phase one

### *Proposed designation change*

5.5 Using the three designations above would require changes to be made to the current designation of 5 maintained special schools, and 2 special Academies, in Kent.

5.6 Before final decisions can be made whether or not to change the designations (i.e. the type of SEN provision) of maintained special schools, KCC will need to publish proposals in a statutory notice, and follow the steps required by the statutory prescribed alteration procedure. These public notices will specify the alterations proposed for individual schools through the authority delegated to the Director of Education and SEND.

5.7 In relation to special school Academies, KCC does not have any power to make changes to the type of SEN provision provided. For these schools to undergo a change in designation (i.e. a change in the type of SEN provision made at the Academy), the relevant Academy Trust would need to apply to the Secretary of State to approve the proposed changes under the 'significant change' mechanism which applies to academies. The initial step required by phase one will be for KCC to request that the relevant Academy Trust make such an application to the Secretary of State and support them to do so.

5.8 The five maintained special schools affected by the prescribed alteration process are; Broomhill Bank; Grange Park School; Laleham Gap School; Stone Bay School; and Valence School. The changes proposed to these schools are shown below in table 5.

Table 5. Change proposed for maintained special schools

School Name	Current Designation	Proposed Designation
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Broomhill Bank School	Communication and Interaction	Neurodivergent and Learning Difficulties
Grange Park School	Communication and Interaction	Neurodivergent and Learning Difficulties
Laleham Gap School	Communication and Interaction	Neurodivergent and Learning Difficulties
The current designation of Communication and Interaction no longer adequately meets the needs of children and young people across the county. For families whose children need a specialist education beyond that which a mainstream school and/or SRP can reasonably provide, the existing designation and admission guidance can result in inequitable access. The proposed designation change aligns with ongoing collaboration between KCC and health partners to address diagnostic delays, which have prevented those children and young people who are awaiting a diagnosis of autism to access a placement.		
Stone Bay School	Communication and Interaction with Severe Learning Difficulties	Profound, Severe and Complex Needs
There is a singular special school with this designation and the location acts as a barrier for some children and young people accessing a placement. The children who are placed at this school have similar needs to those at other PSCN schools, and the proposed change would bring the school in line with the same designation and admissions guidance as those schools, supporting greater consistency in designations across the county.		
Valence School	Physical Disabilities and Complex Medical Needs	Profound, Severe and Complex Needs
There is a singular special school with this designation, and the location acts as a barrier for some children and young people accessing a placement. Pupils who have been unable to access this school have had their needs met at PSCN schools in their local areas. KCC aims to enable children with physical disabilities and complex needs to attend local schools with appropriate support.		

5.9 A part of the prescribed alteration process, a formal consultation and representation period will run for 4 weeks following publication of the statutory notice. Any representations and/or objections received will be considered by KCC before a final decision is taken on whether to proceed with the changes in the type of special educational needs for which the school is organised to make provision. If the changes are adopted, then the accompanying admissions guidance for the schools will also be amended to reflect the change.

5.10 In relation to special Academies, the affected schools are Snowfields Academy (Leigh Academies Trust) and Aspire (Bourne Alliance Multi Academy Trust). Table 6 below indicates the change in the designation (i.e. type of SEN provision made at the special Academy) of these special schools which KCC proposes to request be made by an Academy Trust (via an application to the Secretary of State).

Table 6. Changes KCC proposes requesting that Academy Trust' s make



School Name	Current Designation	Proposed Designation
Aspire	Communication and Interaction	Neurodivergent and Learning Difficulties
Snowfields Academy	Communication and Interaction	Neurodivergent and Learning Difficulties
<p>This current designation no longer adequately meets the needs of children and young people across the county. For families whose children need a specialist education beyond that which a mainstream school and/or SRP can reasonably provide, the existing designation and admission guidance can result in inequitable access. The proposed designation change aligns with ongoing collaboration between KCC and health partners to address diagnostic delays, which have prevented some children and young people awaiting a diagnosis of autism to access a placement.</p>		

5.11 KCC will support any such application made by the applicable Academy Trust. If the Academy Trusts agree, the steps in the applicable significant change process for academies will be followed, and a decision will be taken by the Secretary of State for Education. If the change is approved, KCC will also request that the Academy Trusts amend their accompanying admission guidance for these special Academies to reflect the change in type of SEN designation.

5.12 It is important to note that if decisions are made to proceed with the prescribed alterations for the maintained special schools and/or if the Secretary of State approves the changes in designation to special Academies, KCC (and/or Academy Trusts) would amend the applicable admission guidance to align with those decisions at a later stage. This progression towards updating the admission guidance for the seven special schools proposed to undergo a designation change is dependent on the outcomes of these initial decisions.

*Proposed school-to-school model of support*

5.13 KCC will introduce a school-to-school model of support between special and mainstream schools in their local communities. This model will align with the national school-to-school framework and the localities model which will enable mainstream schools to support more children and young people with special educational needs in their localities.

5.14 It is important to recognise that this practice is already occurring in Kent in some special schools within their current resources, which have been proactive in supporting their mainstream colleagues. This recommendation aims to build on these existing practices, ensuring that all mainstream schools have access to the specialist knowledge and skills of their special school counterparts, improving support for SEND children and young people across the continuum of provision.

5.15 Special schools will play a pivotal role in fostering collective responsibility for children and young people with SEND in their communities of schools. Schools will collaborate within local communities to address local

support needs in a responsive manner. Existing working relationships will be strengthened and expanded through the establishment of community groups of schools.

5.16 The support model is expected to bring several key benefits that align with the national direction of collaborative education practices. Teachers in special and mainstream schools will regularly exchange knowledge and expertise, improving their understanding of resources, teaching methodologies, pastoral care, and behaviour management. This collaborative approach will foster a culture of mutual learning, enhancing the quality of education in both settings.

5.17 The support model's implementation will align with the national emphasis on school-to-school collaboration, demonstrating significant potential for improving practices and outcomes across both special and mainstream schools. It will include a consistent and integrated outreach offer, aligning with the whole system change led by the local Authority and NHS. For example, supporting Autism Education Trust standards and competency framework as the evidence informed approach to good autism practice in schools, drawing on the LA's published Local Offer

## Phase two

5.18 Phase two of the proposed changes is contingent on the approval of phase one, and decisions being taken in due course to make changes to the designation and accompanying admissions guidance of special schools in Kent.

5.19 When considering whether to make those changes at phase two of its decision-making process, KCC will also consider the further proposals which are set out below. These relate to:

5.19.1 The existing admissions guidance for special schools in Kent for which their SEND designation would remain at present, namely Goldwyn and Portal House (which are both SEMH schools that currently have different admissions guidance to other SEMH schools in Kent); and

5.19.2 The review of KCC's special school capital programme.

## **6. Other options considered**

### Alternative option: Retain the current special school model.

7.1 This was discounted as it would risk perpetuating inequalities in access to state-funded special school placements, continue barriers for some children and young people with SEND in accessing appropriate support, and ongoing financial challenges due to reliance on costly-out of county and private school placements. The status quo would continue to prevent some children with the most severe and complex state-funded special educational needs, including those with dysregulated behaviours, in accessing special school places. It would also hinder progress toward

Kent's strategic goals of inclusion and improved outcomes for children and young people.

7.2 Further, there appears to be little challenge to the principle that KCC cannot continue to deliver SEN support in the same manner that it has in recent years. There also appears to be broad agreement that KCC's historic decision-making around issuing EHCPs and usage of maintained special school and private special school provision is at odds with national norms.

7.3 The consequence of a further delay in taking action to address the above would be to postpone the plans for a fully functioning continuum of educational provision so that types of schools have complementary admissions criteria. This in turn would negatively impact learning and development opportunities for children to be suitably educated alongside their peers, creating future challenges and potentially limiting life choices as they transition into everyday life at the end of their education.

7.4 The Special School Review forms one part of a suite of changes to support the delivery of reducing our spending on High Needs to bring us in line with the funding provided by Government to pay for these services. This is mainly expected to be achieved through reducing our reliance on private and non-maintained special school places. Any delay therefore also increases the risk of KCC not staying on target with reducing High Needs spend and this places the remaining c£60m of Safety Valve funding in serious jeopardy.

## **7. Financial Implications**

8.1 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).

8.2 The decisions at this stage of the review, relating to proposed changes in the designation of special schools are not expected to have a significant revenue cost of implementation for the Council. Costs are expected to be limited to professional expertise in supporting any implementation process, with additional School Improvement expertise commissioned to work with schools to deliver any changes required. Whilst designation changes would be introduced in line with the statutory process, they will only apply to new students being admitted to the school, in line the new intake of students each year, therefore enabling affected schools time to identify and plan for sufficient resources, staff & training, including sharing of knowledge with other similar special schools where applicable. This would minimise additional costs and enable changes to be embedded gradually. If it is identified, specific additional revenue costs would be incurred to deliver the changes required, above that would normally be expected to be met from their school budget, these costs would need to be met from within the overall High Needs Budget. An initial one-off budget of £0.5m will be set aside to support associated implementation costs.

8.3 The capital costs and phasing associated with making the physical changes in our special schools to successfully implement the proposals are being established. These will be identified prior to issuing public notices to ensure these statutory consultations are adequately informed and that the funding source for these is identified. This work includes specifying the alterations or additions required to the schools, and determining what consents may be required to implement these.

8.4 The proposed new funding model for special schools is outside the scope of this paper, however the proposed tariff model is intended to support schools by ensuring funding rates are graduated to take account of the extent to which the curriculum is adapted for children and young people with special educational needs. This will cover both day and residential placements. 7.5 Whilst the initial assessment of the revenue costs of implementing proposed designation changes is expected to be relatively low (see paragraph 5.2), the resulting financial impact of ensuring our special schools are equipped to support children with the most complex needs, through the delivery of more local school places, is expected to have significant financial benefit on both the Dedicated Schools Grant High Needs Block and the Council's General Fund, along with improving outcomes for children more widely. These proposals will underpin the wider ambition to enable more children to be supported in their mainstream school by aligning the admission guidance for Special Schools with the aims of the wider SEN strategy, and therefore, enabling Kent to return to the national average number of special school places with the majority of the children supported in a state-funded school, with only the most specialist placements to be commissioned in the private sector.

## **8. Legal implications**

### *(1) Sufficiency Duties*

KCC is under a statutory duty to contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education and secondary education are available to meet the needs of the population of their area: section 13 of the Education Act 1996 ("the 1996 Act"). KCC must ensure that its education functions are exercised by the authority with a view to promoting high standards, ensuring fair access to opportunity for education and training, and promoting the fulfilment of learning potential by every person under the age of 20 and those over the age of 20 and for whom an EHC Plan is maintained: section 13A. By section 14, KCC must secure that sufficient schools for providing primary and secondary education are available for their area, defined as being sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

Under section 27 of the Children and Families Act 2014 ("the 2014 Act"), KCC is under a duty to keep under review the educational provision, training provision and social care provision made in its area (and outside it) for children and young people who have special educational needs or a disability. KCC must consider the extent to which its provision is sufficient to meet the educational needs, training needs and social care needs of the children and young people concerned.

### *(2) Part 3 of the Children and Families Act 2014*

If an EHC needs assessment identifies that is necessary for SEN provision to be made for a child or young person, KCC is required to secure an EHCP for the child or young person and maintain that plan. An EHCP must, amongst other things, specify the child's or young person's special educational needs, the outcomes sought for him or her, and the special education required by him or her. A parent or young person has the right to request the authority to secure that a particular school or other institution is named in the Plan.

Section 42 of the 2014 Act requires KCC to secure the SEN provision specified in an EHCP. Under section 43 of the 2014 Act, a school or other institution named in an EHCP is under a duty to admit the child or young person concerned.

When deciding which school or institution to name in an EHCP, the parent of a child with an EHCP has a right to request that a particular school or institution be specified in the EHCP. If no particular school or institution is requested by the parent of the child concerned, KCC must secure that the plan names a school or institution, or the type of school or institution, which it considers would be appropriate for the child concerned. KCC must secure that the EHCP provides for the child or young person to be educated in a mainstream setting unless that is incompatible with (a) the wishes of the child's parent or the young person, or (b) the provision of efficient education for others.

However, if a particular school or institution is requested then KCC is required, under section 39, CFA 2014, to secure that the school or institution requested is named in the EHCP unless either of the factors in section 39(4), CFA 2014 applies, namely:

1. The school or institution requested is unsuitable for the age, ability, aptitude or special educational needs of the child or young person concerned; or
2. The attendance of the child or young person concerned at the requested school or institution would be incompatible with:
  - a. The provision of efficient education for others; or
  - b. The efficient use of resources.

KCC must also have regard to the general principle in section 9 of the Education Act 1996, namely that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

A parent of a child with an EHCP may appeal to the First-tier Tribunal against matters including:

- a. The school or institution, or type of school or institution, named in an EHCP; and
- b. If no school or institution is named in an EHCP plan, that fact.

Upon a successful appeal, the First-tier Tribunal may direct changes to be made to an EHCP as necessary, including naming a different school in Section I of the Plan.

The changes which KCC is proposing to the designation of special schools are concerned with KCC's strategic placement planning duties. These proposals do not displace the statutory duties under the CFA 2014. KCC is still required to identify a child/young person's special educational needs, identify the SEN provision required, and secure that provision. Where a parent requests a particular school, KCC will be under a duty to give effect to that parental preference unless one of the exceptions in section 39(4) is made out.

Every child will continue to have their needs met if the recommendations are adopted. The purpose of the recommendations is to ensure that children with more severe and complex SEN are placed in special schools, and that children with less severe and complex SEN have their needs met in more inclusive mainstream schools.

### *(3) Changes in the type of SEN provision in a special school/Academy*

Changes to the type of SEN provision made at a local authority maintained school must be made via the statutory 'Prescribed Alterations process', set out in sections 18-24 of the Education and Inspections Act 2006 (the "**2006 Act**"), the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the "**Prescribed Alterations Regulations**"), and the "Making significant changes ('prescribed alterations') to maintained schools statutory guidance (the "**Guidance**"). If KCC is content to proceed with these proposals at this stage, the next step is to publish a statutory notice setting out the prescribed alteration proposed for each of the affected special schools that are maintained by KCC. Following a 4 week period for objections or representations to be submitted, KCC is required to consider any representations or objections received and decide whether to proceed with the proposed changes.

KCC does not have the power to change the type of SEN provision made at a special Academy which is part of an Academy Trust. This is because KCC does not have the power to alter how an academy is set up or operated. Any change to the designation of a special academy can only be made through a separate Academy Trust process for making significant changes to an academy. If an Academy Trust agree to changes which are requested by KCC, the Academy Trust can apply to the Secretary of State through a separate significant changes mechanism, The Secretary of State will be the ultimate decision-maker as to whether changes to the designation and type of SEN provision that is made at special Academies should proceed. If members wish to proceed, KCC would ask the relevant Academy Trust to submit such an application, and KCC will confirm its support of the application to the Secretary of State.

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.

## **9. Equalities implications**

9.1 An Equalities Impact Assessment (EQIA) that has been updated in September 2024 can be found in appendix 4.

## 10. Risk and other factors

- 10.1 As noted above, KCC entered into a Safety Valve agreement with the DfE in May 2023. Without the protection afforded by the Safety Valve, KCC would be required to make much more wide-ranging changes in an accelerated timeframe, potentially even being required to review historic placement decisions that did not align with national norms.
- 10.2 The Special Schools Review is supportive of the strategic objectives of Framing Kent's Future<sup>9</sup>, specifically Priority 4 New Models of Care and Support. The Special Schools Review aims to enable children and young people with 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 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.
- 10.3 Securing Kent's Future<sup>10</sup> prioritises objective 4 within Framing Kent's Future, New Models of Care and Support (see point 6.3). The Special Schools Review 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 EHCP access. As a Local Authority, under the 2014 Act, 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 2014 Act regarding placement of children and young people with an EHCP 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 EHCP.
- 10.4 It is recognised that there is significant change taking place across the SEND service which carries a risk that the various initiatives being progressed could have a detrimental impact leading to confusion in the system. However, urgency for improvement dictates the need for all initiatives to progress. During the Special School Review work has been ongoing to ensure these interdependencies were individually recognised and aligned. By progressing the recommendations proposed KCC can cohesively support all change proposed across the education sector.

## 11. Future Consideration

- 11.1 The next steps will depend on the outcomes of the work undertaken.

## Governance

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<sup>9</sup> [Framing Kent's Future - Our Council Strategy 2022-2026](#)

<sup>10</sup> [Appendix 1 - Securing Kents Future - Cabinet report.pdf](#)

- 11.2 The coordination and implementation of a cohesive system-wide change within the Kent SEND education system will be an iterative process. The decision at this stage sets out an updated policy position and confirms the direction of travel toward putting the required arrangements in place to facilitate a whole SEND education model shift towards the principles set out in KCC's Countywide Approach to Inclusive Education and allows for the commencement of relevant legal processes necessary to move toward implementation.
- 11.3 The decision will grant authority to commence the statutory prescribed alterations process – this involves publishing notices of the proposed changes to the affected school. However, further review and feasibility work will be undertaken prior to the notice being issued. Authority to approve the final notices, taking account of the further work is delegated to the Director of Education and SEND. Final decisions on the implementation of the proposed changes, following the public notice stage, will be subject to relevant Key Decisions.
- 11.4 The above process and governance arrangements apply to both the maintained school next steps and the Academy Trust position – as above, final decisions on the implementation of key changes will be progressed following the relevant notice periods and consideration of feedback and updated information.
- 11.5 In addition to the prescribed changes elements, the decision also include the establishment of a School-to-School Support Model. The principles of this model are set out in the decision, including updates in response to the consultation. The detailed design and operations of the model will be managed in partnership with the schools and approved via delegated authority to the Director of Education and SEND.
- 11.6 The potential changes and further activity described as 'Phase two' within the report, represent areas where additional work is required before KCC is in a position to make any final decisions – these are therefore not within the scope of choices and decisions being make by the Council at this point in time. Key elements to highlight here, that are not being determined via the decision but are relevant to the wider Strategic approach KCC is exploring, include:
- 11.6.1 Special school capital programme; This programme is one of the means by which KCC aims to ensure that safe and suitable facilities are available to meet the local demand for special school placements, with a transparent approach to prioritising schools' capital spend. This will enable special school Headteachers, Governors and Local Authority Officers to plan accordingly.
  - 11.6.2 Revenue school funding; The principles of a future funding model for state-funded special schools have been broadly accepted with a proposed tariff model that is graduated to take account of the extent to which the curriculum is adapted for children and young people with SEND. This is in line with the DfE's direction of travel and would complement the proposed changes to the designation and accompanying admission guidance for special schools outlined in this report. The future



funding model for state-funded special schools will be consulted on separately with schools.

11.6.3 Post 16 provision and pathway; The curriculum should be planned to support young people's transition from school to FE college or other educational settings and ultimately to independence in adulthood. This planning should ensure continuity and progression from Year 11 (or up to year 13 in school) to year 14 (including college, SPI, supported internships and/or apprenticeships). This ongoing work is aligned with other ongoing projects within KCC that involve stakeholders from the post-16 sector.

11.6.4 Special school satellite provision; A satellite provision is a specialised provision within a mainstream primary or secondary school, managed by staff from a special school. While these children remain on roll at the special school, the satellite provision offers a personalised plan within the mainstream school. KCC has identified through the Special School Review that satellites have evolved in an ad hoc manner in response to the increased demand of special school places. Additionally, the SRP Review has identified that the SRP provision has also developed without appropriate strategic planning for SRP continuum of provision across educational phases. Therefore, there is a need to review the relative roles of satellite provision and SRPs in phase two of the special school review.

11.7 They are presented to provide context and information, as well as give relevant assurances that the progression or otherwise of these potential changes will be subject to all normal governance processes, including Key Decisions where appropriate under the Constitutional requirements of the Council.

11.8 The Director of Education and SEND will, as per standard Executive Decision arrangements, receive normal delegated authority to take the required actions to implement the decision.

## **12. Conclusions**

12.2 In conclusion, the proposals outlined in this report are designed to enable KCC to proceed with the next phase of its decision-making in respect of the Special School Review, to drive systemic transformation for children and young people with SEND across the educational sector. By strategically planning special school placements within local communities, of which ensuring special schools have the appropriate SEND designations is a part, KCC aims to better support children and young people in preparing for adulthood.

12.3 Ultimately, the proposals considered in this report will lay the foundation for the next stage of the Kent special school sector, enabling a responsive and flexible approach that instils confidence in children, young people and their families in their pathway to adulthood.

**Recommendation(s):**

That the Cabinet Member for Education and Skills agree the proposed decision as detailed in the Proposed Record of Decision

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**13. Background Documents**

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

**14. Appendices**

- Appendix 1: Supporting Analytics
- Appendix 2: Consultation Analysis Report
- Appendix 3: Consultation Formal Response
- Appendix 4: Equalities Impact Assessment (EQIA)

**15. Contact details**

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