

DECISION REPORT TO CABINET MEMBER

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

To: Rory Love, Cabinet Member for Education and Skills

Subject: Proposal to implement the Schools Access Initiative Policy and Procedure

Decision no: 24/00073

Key Decision : *If the decision is Key, please specify under which criterion, either:*

- It affects more than 2 Electoral Divisions- All Divisions are impacted.

Classification: *Unrestricted*

Past Pathway of report: *Children's, Young People and Education Cabinet Committee 16 January 2025*

Future Pathway of report: *Cabinet Member Decision*

Electoral Division: *All Divisions*

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

Decision:

As Cabinet Member for Education and Skills I agree to:

- (a) Approve the adoption and implementation of the Schools Access Initiative Policy and Procedure.
 - (b) Delegate authority to the Corporate Director of Children's, Young People and Education, in consultation with the Cabinet Member for Education and Skills, to refresh and/or make revisions to the policy where changes do not require additional governance.
 - (c) Delegate authority to the Corporate Director of Children's, Young People and Education to take relevant actions, including but not limited to, entering into and finalising the terms of relevant contracts or other legal agreements, as necessary, to implement the above decision.
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1. Introduction

- 1.1 The Authority is undertaking a wide range of activities to improve the support for and outcomes achieved by children and young people who have special educational needs, and/or a disability. This includes activity and support to improve their opportunities to successfully access local mainstream education and to flourish in this environment.

- 1.2. To support this work the Authority has drafted a Schools Access Initiative (SAI) Policy and Procedure. This discharges the Authority's duty under Schedule 10 of the Equality Act 2010 to proactively improve the access to the physical environment of school which KCC has capital responsibility for (community, foundation and voluntary controlled (VC) schools). It supports individual children to attend, or who are attending, these schools and require reasonable adjustments to be able to access the schools' facilities.
- 1.3 The Council's commitment to this area of activity has been underpinned for many years by it setting aside SAI capital funding. For example, across the 5 year period 2019-24, £3,152,274 was spent on 83 SAI projects. Appendix 1 lists schools where improvements have been made in this period.
- 1.4 Through the commissioning of accessibility audits on all community, foundation and voluntary controlled schools, KCC is supporting governors and leaders to enable them to proactively address any accessibility issues through their own resources, and to set out further improvements in their Accessibility Plans. In addition, KCC will use this information to identify geographical gaps in the accessibility of its schools for it to address proactively.
- 1.5 The Schools Access Initiative (SAI) Policy and Procedure relates to Kent maintained schools (community, voluntary controlled, and foundation schools). The responsible bodies for academies, free schools or voluntary aided schools receive either a School Condition Allocation (SCA) from the DfE or (if they are not eligible for SCA) they can apply for a Condition Improvement Fund (CIF) to complete capital works.
- 1.6 The SAI Policy and Procedure sets out how the funding KCC sets aside to improve the accessibility of its community, VC and foundation schools is accessed, how spending decisions are made, communicated and can be challenged, together with the governance arrangements.
- 1.7 As currently drafted, the SAI Policy and Procedure places the onus on the school to fund adaptations under £10,000. It will be the school's decision and responsibility to fund through their revenue or devolved capital budgets, in line with their responsibilities to make reasonable adjustments.
- 1.8 The SAI Policy and Procedure was subject to public consultation between 23 September and 11 November 2024. The responses received are summarised in this report. These have been considered. Where appropriate the draft Policy and Procedure has been changed to reflect the consultation responses.
- 1.9 We are seeking the views of the Children's, Young People and Education Cabinet Committee on this draft SAI Policy and Procedure prior to the Cabinet Member for Education and Skills being asked to adopt it.

2 Key Considerations

- 2.1 We want all children and young people to be engaged with and included in the provision of high-quality inclusive education in their local community, ensuring that, whatever their circumstance or ability, they have a sense of belonging,

feel respected, are valued for who they are and develop the knowledge and skills required for adult life.

- 2.2 Improving access to inclusive local mainstream provision is a key aspect of the Authority's work as we strive to address the weaknesses identified in the area inspection.
- 2.3 The Authority is under a duty to prepare a written Education Accessibility Strategy and consider the need to allocate adequate resources for its implementation. The draft SAI Policy and Procedure supports the Education Accessibility Strategy by setting out how the financial resources set aside to improve access to the physical environment of a maintained mainstream school is accessed.

3. Consultation

- 3.1 The draft SAI Policy and Procedure was developed following with wide ranging input from across the Education Service. It was subject to public consultation, together with the Education Accessibility Strategy. At the same time the Authority's draft SEND Strategy 2024-27 was consulted on, in order that respondents were able to see the linkages.
- 3.2 There were 746 visits to the consultation pages, 216 document downloads and 15 responses to the consultation. Nine responses were from parents/carers or family members, the remainder from professionals. Eight respondents had children with SEN, of which five had an Education, Health and Care Plan.
- 3.3 Very few respondents indicated whether they agreed, partly agreed, or disagreed that the actions proposed in the SAI Policy and Procedure would be effective in improving access to the curriculum, physical environment or of maintained mainstream schools. The comments received relating to improving access to the physical environment are summarised below.
- 3.4 Minor changes have been made to the Policy and Procedure following consultation. In general, these clarifies that advice will be sought from the appropriate specialist officers (Physical Disability, Hearing Impairment, Visual Impairment Sensory). In addition, it clarifies that the Assistant Director Education informs all parties of the decisions at Stage 1 and Stage 2.

Consultation Responses

The physical environment

- It isn't all about 'neurodivergent' children; those with neurodisability are on the surface harder to include unless buildings are designed well as they need space for wheelchairs / walkers / stretches / specialist toilet facilities. Smaller class sizes and adaptations to teaching are easier so 'neurodivergent' children are easier to include.
- There is little or no funding to make reasonable adjustments at mainstream level. Our child used to come out of school crying due to the excessive noise and behaviour experienced in a class of 32 children. Teachers seem

overwhelmed at dealing with this, therefore too much of the lesson was devoted to behaviour management.

- Concerned that you have underestimated what the cost will be to adapt buildings. For Specialist Resourced Provisions it is not just about space. Will there be a separate entrance so that students don't have to mix with crowds of students/. Staff are not in the SRP at the start and end of the day. Where will the SRP students have their lunch/breaks?
- I would have expected to see some "numbers", some finances of what you predict the costs will be, and when you expect all the work to be completed by etc. Parents will not feel assured until they can see that the buildings are accessible and that their child will be able to be included.
- For schools adaptations to the buildings are costly for 1 or 2 pupils where funding is limited and budgets strained. Can we justify the expense when the cost will effect the education of many more?
- Have you done any predictions for costings? I would expect to see at least an estimate of costings because, I presume you have done this in order to make sure that this strategy is affordable? From my knowledge of school buildings in various districts, it's going to take a lot of money to make them fully accessible.

Other

- There is no money in the system currently to be able to implement changes required.
- £10,000 is an awful lot of money for a small village school and size of school must be considered when making these decisions.
- Schools are expected to fund up to £10,000 for the adaptations for one pupil, what if they get 20 pupils that need different adaptations and all are just under the £10,000 then you're expecting that school to find a lot of money out of their budget.
- The documents states that 'Property and Infrastructure will undertake a high level cost feasibility of the adaptations required which will be reported to the relevant ADE and PD&S STLS' this does not always happen - sometimes the ADE will refuse any works under SAI from the STLS report. Is this going to change?
- There needs to be a clear funding stream available.
- Unfortunately, this strategy is dependent on funding. Without this no change is possible.
- Schools are not only concerned about meeting needs for those with complex physical disability so likely to turn them away, but 1 in 400 children have cerebral palsy so it is not uncommon. Teaching assistants are key for children with SEND.
- Schools should be local to the child and this is not always the case! There should also be equal opportunity for choice.
- The place of education needs to be suitable, there is also a duty to all pupils to provide a safe, structured education.
- This approach will take too long meaning schools will be footing the bill for long periods of time.
- There needs to be joined up thinking between admissions and Specialist Teaching and Learning Services (STLS). Schools are sometimes

allocated without STLS being aware of need and an inappropriate school being given.

- If a child/young person is not yet on roll at a school, why would they complete an SAI referral form - they wouldn't necessarily know about the upcoming need.

3.5 It is evident that most comments had at their heart concern about funding and only for physical adaptations to buildings but also for appropriate staff training, access to adult support. There is the concern that without adequate resources the SAI Policy and Procedure would not bring about the desired change. The pressures on resources are well known, however, much of the work to improve Kent's performance in the SEND space relates to improving the outcomes achieved with the resources within the system, ensuring these are co-ordinated, deliver evidence based interventions, and support children and young people attend local inclusive mainstream education. The SAI Policy and Procedure aims to ensure the capital funding available to the council to support improving physical access to maintained mainstream schools is effectively and efficiently used. Importantly, the aim is to improve our strategic planning to ensure choice is improved for facilities are available in a timely manner, rather than reacting to immediate need.

4 Options considered and dismissed, and associated risk

- 4.1 The option of not having an SAI Policy and Procedure was dismissed. The funding of SAI works is finite and therefore, we need a framework against which fair and consistent funding decisions can be made.
- 4.2 Incorporating this within the SEND strategy was dismissed to ensure both Strategies can remain focused and concise. Clarity of vision and how this will be achieved is fundamental to achieving the better outcomes for children and young people the Authority seeks.

5 Financial Implications

- 5.1 Currently, £750,000 is allocated each financial year from the Annual Planned Enhancement Budget for SAI works. In 2024-25, the total budget for SAI works was £1.9m (including £1.2m of roll forward from previous years). This budget has been fully committed to projects due to be completed in either 2024-25 or 2025-26.
- 5.2 There are no additional revenue costs expected with this proposal. Implementation of the policy will be administered through existing resources.
- 5.3 The Policy and Procedure does not, therefore, represent either a financial cost or saving.

6 Legal implications

- 6.1 Schedule 10 of the Equality Act 2010 places a duty on local authorities to prepare a written accessibility strategy and for the schools it is responsible for, setting out how for disabled pupils it is increasing access to the curriculum,

physical environment and information. It also places a duty on responsible bodies of schools (i.e. governing bodies and trusts) to prepare a written accessibility plan.

- 6.2 The SAI Policy and Procedure enables the Local Authority to deliver its responsibilities under the Act by improving the physical accessibility of maintained mainstream schools, for which it has capital responsibility.
- 6.3 Legal advice was sought when drafting this policy and incorporated into the version consulted on.

7. Equalities implications

- 7.1 The SAI Policy and Procedure is intended to increase and improve the accessibility to education provision for children and young people with a disability. No adverse impact on protected groups were identified prior to stakeholder consultation.
- 7.2 Three comments were received from respondents about equality issues. They can be summarised as follows:
- Parents of pupils with SEND do not have the same wide choice of schools as parents of pupils without SEND. Ensuring at least 'one pathway' per district does not offer choice.
 - Mainstream schools do not always understand a child's needs or disabilities.
 - Parents/carers of pupils with SEND face barriers when trying to access extra support to provide access to the curriculum.
 - Policy decisions in other areas such as the decision to move special school nursery provision to an outreach model and the change of designation of special schools will impact this strategy. Even with the adaptations this strategy proposed, there will be SEND pupils who will not be able to manage in a mainstream setting and have access to the curriculum.
- 7.3 The comments received focus on other policy decisions, rather than the SAI Policy and Procedure per se. The point that disabled children and young people have less choice is accepted, hence why the SAI Policy and Procedure is required. This and the Accessibility Strategy seeks to enhance choice, rather than restrict it.

8 Data Protection Implications

- 8.1 The decision making process involves data of children including their needs related to medical conditions or disabilities. Appropriate data protection notices are in place for this. The DPIA has highlighted the need for this data, which is used by a small number of officers across Infrastructure and Education is held in one place, with appropriate retention protocol. Details of approximately a dozen children per year are captured by this process. The risk is assessed as low.

9 Other corporate implications

9.1 Delivery of the SAI Policy and Procedure requires close working between Education and Infrastructure together with schools. The policy reflects existing working arrangements but clarifies responsibilities and process for the benefit of all. It makes decision making transparent.

10 Governance

10.1 Christine McInnes - Director of Education and SEN will inherit the main delegations via the Officer Scheme of Delegation.

11 Conclusion

11.1 The SAI Policy and Procedure provides clarity and transparency to existing processes.

Decision:

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12 Background Documents

- *Equality Impact Assessment*
- *Data Protection Impact Assessment*

13. Appendices

Appendix 1: The Schools Accessibility Strategy Policy and Procedure

Appendix 2: SAI Projects 2019-24

Appendix 3:: EQIA: The Schools Accessibility Strategy Policy and Procedure

Appendix 4: Data Protection Impact Assessment

14. Contact details

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