

Kent Special Education Needs Trust
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KCC CYPE Committee
County Hall
Maidstone
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ME14 1XQ

11 June 2024

Dear Members of the Children's, Young People and Education Cabinet Committee, Kent County Council,

RE: Proposed changes to admissions arrangements for special schools and SEN "Continuum of Need".

On Thursday 16th May your committee considered proposals for a public consultation on changes to admissions and designations of Special schools (Item 8b).

We are writing to you as KsENT which represents the entirety of Community, Foundation and Academy Special Schools in Kent.

As a sector **we recognise the essential need for systematic change** in Kent and share the vision of building a system to better meet the needs of all Kent children, young people and families as well as being more manageable for schools and other education providers.

At a time when there is considerable change across the system, we feel that the priorities for any proposed change should address:

- How **outcomes for pupils** will be sustained or improved.
- How proposed changes will have a direct impact on **addressing the safety valve agreement** and £147 million deficit APP recovery plan.
- The solid **evidence-base** that recommendations for change are based on.
- How proposed changes **address the weaknesses of the November 2022 CQC Ofsted SEND inspection.**
- Evidence that the system is being built as a continuum with **strategic planning of how students will move across the system and how KCC will apply thresholds.**

There has been some rhetoric from KCC officers that special schools do not wish to change and are actively resisting change – this is simply not the case and is causing further friction between KCC and its schools; something that will only be detrimental to the children we all seek to serve (and something that would be seen as a significant downside from the 2022 CQC and Ofsted inspection).

KsENT acknowledges the need for the system changes and will embrace change that is based on children's best interests and will address the bullet points above.

There is little confidence that proposed changes to the admission arrangements and designation of Special schools will have the desired impact of better outcomes for children or indeed address the financial deficit we are in.

As a group of schools we have fully engaged in the pre-consultation process however we feel this process has been superficial and our united voices have not been heard. As an entire special school sector we want to express our concerns to you.

This process has not been collaborative, rather, several opportunities to share information and 'research' gleaned from external consultants and local authorities, with minimum time allocated for discussion and feedback on actual proposed changes and draft documents.

On a number of occasions pre-public consultation, we have tried to raise concerns:

- In November 2023 special school representatives stepped down from the 'Special School Review Stakeholder Group' citing a lack of collaboration and transparency from KCC officers
- In January 2024 KsENT schools wrote to Councillor Gough raising concerns that children and young people were not central to planning, and raising concerns about wider impact
- In May 2024 Leigh Academy Trust wrote to your board to raise significant concerns

What was almost completely missing from the meeting on the 16th May and in any proposal that KCC is making to you is any reference to the enormous financial deficit created by KCC's funding of children with EHCPs at private Special Schools. To overlook the massive funding drain created by children with EHCPs taking up private school places funded by KCC would be catastrophic.

If KCC do not robustly plan to address the NMISS issue and to define and uphold their thresholds any further work on the SEND sector will be futile.

We feel there could be grave unintended consequences that we want to work together with KCC to mitigate:

- **Outcomes for children.**

Outcomes for children will be directly negatively impacted by a lack of planning around pathways and resources – both of which are not detailed in current proposals.

The proposed changes show a lack of aspiration for the SEND cohort and are in direct conflict with the Ofsted framework that instructs school leaders to plan for educational pathways and offers for their cohorts.

In fact, KCC to date has not provided any data on what improvements it intends for young peoples' outcomes as a result of these proposals.

Currently 23 out of 24 special schools in Kent are judged "Good" or "Outstanding" by Ofsted. Nowhere in recent reports is that fact sufficiently celebrated or indeed is there reassurance for children and their families on how their educational offer will be safeguarded.

Given this impressive track-record, it is difficult to understand how any compelling educational argument can be made to justify the upheaval of the special school sector on this scale. This will significantly alter the intake of pupils compared to the situation now and pose considerable challenges across the sector.

- **Addressing the safety valve agreement and £147 million deficit APP recovery plan.**

There is a real danger that the proposed changes could end up leading to a **significant increase in the current deficit** already held by KCC.

The capital costs to upgrade and change the current special schools are not detailed. There is little confidence that KCC will be able to apply thresholds that are proposed; and this will simply result in a further group of students headed for NMISS (much like when MLD schools were redesignated).

The scale of the proposals will require affected schools to make sweeping changes to their curriculum, staffing, resources and capital infrastructure. These extra costs - which should not be under-estimated - and related timelines have not been quantified nor any reassurance given about how they will be underwritten.

Funding rates for the proposed new model of special schools have not been shared and KsENT Heads are concerned that the expected reduction in cost to transport costs for pupils attending special schools will not happen, as cost savings have not been quantified (or indeed triangulated with local transport networks of what is actually available in Kent).

The more complex student cohort that quite rightly should be coming from NMISS into our maintained special school sector will require higher levels of funding, higher staff ratios and a clear plan for joint commissioning of services into special schools – CAMHS, OTs, SALT and Early Help to name a few. The proposals do not plan in detail what that cost will be.

- **The evidence base for change.**

No evidence or examples have been given about where such a radically different approach works well in a similar context to Kent.

The new designation for special schools ('Neurodiverse with Learning Difficulties', NLD) is not based on evidence and the threshold for this group could be vast – again it is not detailed.

A lack of expertise ties complex needs and learning needs directly together; this is absolutely not the case for mental health needs and trauma – in fact the opposite!

We are concerned that the new category of special school of NLD has no basis in Law. Such a category of need does not appear in the SEN Code of Practice and is not a recognised medical condition. As such, it does not provide a suitable basis for admission to a special school as it cannot appear on any child's Education and Health Care Plan (EHCP). The ambiguity of the term NLD will likely lead to KCC opening itself up to more legal challenges regarding equity of placements in relation to protected characteristics.

- **Addressing the November 2022 CQC Ofsted inspection's significant weaknesses.**

We believe proposed changes to special schools will not provide the solution to address the weaknesses identified by Ofsted and CQC.

Special schools were not cited as one of the key areas of weaknesses, this does not mean that no change is required, but that change in this strong sector would need to be very carefully planned so as not to further fracture the fragile SEND systems in Kent.

Parental confidence is high for families with students in special schools; and as a part of the continuum that is arguably working, any changes would need to be carefully planned, considered and based on strong evidence-based rationale.

The proposals across any of the reviews and subsequent consultations (Special Schools Review, Locality Resources, EYs review and STLS Review) are in danger of removing some of the strengths that were found in 2022. We are all under no illusion that we need to address financial deficit but if the education sector is not listened to in regard to what is actually having an impact we will simply go from bad to worse!

- **Strategic planning for how students will move across the system and how KCC will apply thresholds.**

We agree that there are students that could move across the continuum from special to mainstream and vice versa. The current proposal does nothing to illustrate how we can facilitate this, and it will undoubtedly need resources such as outreach.

When students are moving across the system adequate training and resource deployment needs to be strategically planned.

Our education partners in mainstream are not being given assurances of resources for them to meet the needs of the SEND cohort moving from special schools to mainstream.

The County Wide Approach to Inclusive Education (CAITE) is planned to equip mainstream schools with expertise to meet the needs of SEND cohorts, but training uptake has been lower than expected and the

impact has not been demonstrated as of yet. The CAITE plan runs from 2023-2028, however the changes to special school criteria are due to be rolled out from 2026. How will the local authority support schools to be ready given the current climate of recruitment and retention crisis?

Whilst there is a CAITE plan for mainstream schools there has been no commissioned training for special school staff; how will we be equipped for the highly complex needs that are intended to move from NMISS including staff that will need training for a whole different need-type?

The Continuum of Needs (CoN) and locality resources are both being planned with mainstream schools in order to meet the needs of SEND students. The approaches to addressing pupils' needs set out in the CoN will require profound changes to how the vast majority of mainstream schools function and these changes will inevitably be concentrated at secondary level in the County's high schools. To prepare for these changes, mainstream schools will need to invest heavily in training, resources and their existing environment. It is not clear where this funding will come from in a sector which is already under very considerable financial strain. Given the enormous demands already placed on mainstream schools it is also unclear how they will be expected to manage the additional pressure which comes with the admission of many more pupils with profound special needs who are currently being supported effectively in maintained or private special school provision.

Significant increases in specialist trained staff will be essential to meet the demands of the proposed CoN in mainstream settings. The contracts of staff already employed in the mainstream are unlikely to contain adequate provisions required in future relating to the administration of pupils' personal care and medical needs envisaged by the CoN. These contracts of employment will need to be renegotiated with no guarantee that changes will be accepted by current employees and their union representatives.

Headteachers from each of our designations wanted an opportunity in this response letter to raise points and concerns which are pertinent to their schools.

As C&I Headteachers we have been responsive to pupils placed in our schools at all times. We find the narrative around selecting pupils unhelpful as this suggests a level of control that we do not have over which students are directed to us. Whilst our schools share the same designation they differ somewhat. Aspire School and Stone Bay School are the most similar to the newly proposed 'Neurodiverse with Learning Difficulties' designation. However, the introduction of an SEMH contingent at Aspire School would not be cost effective due to the environmental changes required to ensure safeguarding and meeting all of the pupil's needs. Stone Bay also has a similar intake and yet is proposed to change to a PSCN school. The nature of the site and its historic buildings make it unsuitable for this designation, not to mention the unintended consequence of reducing capacity to receive pupils from the nearby Bradstow School.

For the remaining C&I schools (Broomhill Bank, Laleham Gap, Grange Park and Snowfields Academy), we feel there are many unintended consequences of adding learning difficulties to our admissions criteria. These are likely to have a negative impact on pupil outcomes of our existing cohorts including but not limited to: increased school refusal, increased tribunals, increased absence levels, increased mental health issues and selective mutism, reduced social interaction and negative impact upon the CAMHS and Health teams.

We as SEMH Headteachers also feel that narratives around the selection of pupils are unhelpful. We are concerned around the lack of definition around 'complex' and 'severe' needs in relation to mental health and the link to ability ranges. There are case studies from our schools of pupils with the most complex mental health needs sitting GCSEs, for example. Whilst ability ranges from the lowest to the highest can be managed in our schools this requires significant capital investment and risks negatively impacting our Ofsted gradings. Funding isn't defined in the current proposal; we believe pupils with the most complex mental health needs would fall into the highest band. There is currently little strategy around joint commissioning; it is necessary to fund this in order for it to be strategically planned.

There are other unintended consequences that we would like to raise such as the number of NEEs rising if this is not built into the continuum, and the fact that class numbers already exceed DfE guidance. As stated above, we would need more resources to equip our schools to place more students with a wider range of abilities and mental health needs.

We are keen to offer solutions. We are open to discussions around establishing satellites and SRPs. We want to build a bridge to mainstream and utilise in-area resources such as vocational offers.

Whilst not a change in designation, PSCN Headteachers are concerned around the proposed widening of their admissions criteria to include pupils with SEMH needs. This is not conducive to a good learning environment for our current pupils and poses significant risks to learners with profound, severe and complex needs. We feel strongly that 'SEMH' does not equate to challenging behaviour. We are troubled by the potential negative impact upon the MLD cohort who will no longer be accessing our schools in future years as a result of these proposals (for example: increased tribunals, increased mental health issues, decreased achievement levels).

Pupil numbers are relatively low in reception but increase in years 1 and 2 as their needs aren't met in mainstream. We can provide data to support this observation as well as the positive impact that our schools have on these pupil's outcomes and how successful they have been within our learning environment. If more pupils are to remain in mainstream we need to mitigate against the risk of their needs not being met.

As tribunals are parent led, we are concerned about how the Local Authority plan to stem the flow should they increase significantly as a result of the proposed changes. Will there be capital investment for our schools as historically promised (for example: Oakley School)? This will also be required for mainstream schools.

The proposed change of Valence School from Physical Disability to PSCN is a complete change which is not evidence based. The site is not accessible or secure for pupils with profound, severe and complex needs. The capital investment required to make it safe is extremely high and would have unintended consequences on our current pupils. Many have transferred from mainstream where they have not made sufficient progress or have medical conditions which are deteriorating. If places for these pupils aren't available at Valence School then parents will fight for their children to attend independent provision instead.

Finally, we want to highlight the impact that these proposed changes could have on school nursing, from accessing the NHS to capacity and training. What model is proposed for this? There are difficulties accessing healthcare with both private and commissioned services. This is also applicable to OTs and SALTs.

Conclusion

With a shared moral imperative to do what is in the best interests of vulnerable children, please scrutinise the proposals and draft documents shared with you by KCC officers. Influence change, but influence the right change, that will lead to;

- Better outcomes for children and young people
- A reduction of the financial deficit
- Actions based on evidence-led provision
- Past weaknesses being addressed
- Building a robust and effective SEND system for the future

Yours sincerely,

KsENT Headteachers

Neil Dipple, Aspire School
Ady Young, The Beacon
Maz Cleave, Bower Grove School
Steve Ackerley, Broomhill Bank School
John Dexter, Elms School
Peggy Murphy, Five Acre Wood School
Adrian Mount, Foreland Fields School
Kerry Greene, Goldwyn School
Renukah Atwell, Grange Park School
Maddie Arnold-Jones, Ifield School
Les Milton, Laleham Gap School
Jill Palmer, Meadowfield School
Sarah Goosani, Milestone Academy
Scott Jarred, Nexus Foundation Special School
Sam Perryman, Oakley School
Luke Mussett, The Orchard School
Rose Bradley, Portal House
Geoff Bartrum, Rowhill School
Dee Pickerill, Snowfields Academy
Robert Page, St Anthony's School
Richard Dalton, St Nicholas School
Jane Hatwell, Stone Bay School
Roland Gooding, Valence School
Jason Cook, Whitfield Aspen School
Penny Bullen, The Wyven School