

Improvement Notice

To: Kent County Council (the council)

County Hall

Maidstone

Kent

ME14 1XQ

This Improvement Notice is issued to Kent County Council (“the Council”) on 31 March 2023 following an assessment that the local area has failed to make sufficient progress against nine areas of weakness in its special educational needs and disability (“SEND”) service provision, as set out in the Ofsted and Care Quality Commission (“CQC”) SEND Revisit report, published on 9 November 2022.

1. This Notice is given to address all nine areas for improvement identified in the report of the Ofsted and CQC revisit to local area services for children and young people with SEND and their families, dated 9 November 2022. (Annex 1).
2. To comply with this Notice, the following actions are required of the Council, working with the Integrated Care Board (“ICB”) and its other partner agencies (“partners”), as identified by the Children Act 2004 (Section 11).

Improvement plan

3. The Council will produce for approval by the Department and NHS England (“NHSE”) an Improvement Plan (Accelerated Progress Plan) to deliver appropriate and sustainable improvement by 12 May 2023. It must cover the areas identified in the Ofsted and CQC revisit report of 9 November 2022, as well as recommendations made by the Department.
4. To ensure there is clear evidence of progression:
 - a. the Improvement Plan should contain clear, measurable key performance indicators for each of the areas identified in the Ofsted and CQC revisit report;
 - b. the content of the Improvement Plan, data dashboard and risk register must be regularly updated and provided to the Department when requested;
 - c. the Council must ensure there is an Improvement Board which meets monthly and has an independent Chair and membership including leaders across education, health and care services, the Chief Executive, the Social Care Accountable Officer the ICB Accountable Officer.
 - d. the Improvement Board will oversee the implementation of the Improvement Plan and will monitor progress and provide support and

challenge to all partners in the local area, holding those partners accountable for their contributions.

e. reports to the Improvement Board should be supported by evidence on the impact of improvements on the quality of practice and the lived experience of children and families;

f. The Improvement Board must:

i. have clearly assigned accountabilities for all actions agreed, along with clear and measurable targets at 3,6,12 and 18 months covering the areas identified in the Ofsted and CQC report as well as longer-term targets to support long-term aims for improvement of SEND services. In addition, the board should maintain an action log which is updated for each meeting;

ii. oversee implementation of the Improvement Plan and report in writing to the Department and NHSE every two months on progress against the objectives in the plan. It can commission updates from partners in order to do this;

iii. highlight those objectives which are slow to progress and highlight where contributions need to be strengthened;

iv. evidence through its working how the views of frontline staff and of schools, parents, children and young people have been taken into consideration in the development of practice and standards.

5. The Council will provide a clear plan (within the Improvement Plan) to ensure that it has in place, within six months from the date that the Improvement Notice is published, a permanent, suitably trained, SEND case work team of sufficient capacity to enable the effective delivery of the Education, Health and Care (“EHC”) needs assessment and review system including effective partnership working systems with advice writers to help improve both the timeliness and quality of the EHC plans.

6. Invitations to Improvement Board meetings must be sent on each occasion to representatives from both the Department and NHSE who will attend periodically and will notify Council representatives in advance if this is the case.

Improvement against the above measures will be assessed as follows:

7. DfE and NHSE SEND Advisers will provide to the Department updates of progress or concern against the areas set out in this notice; improvement against the Ofsted and CQC requirements; and any other such information relevant to the improvement journey.

Reviews by the Department

8. Officials from the Department will undertake reviews of progress against the Improvement Plan at least every six months, and more regularly where appropriate.

9. These reviews may cover but are not exclusive to: culture; performance; leadership; management and governance; quality of workforce training and support; multi-agency arrangements – including the role and contribution of health providers;

joint commissioning; and the timeliness and quality of EHC plans and engagement with children, young people, families and carers and educational and other settings.

10. Prior to any reviews, the Council should provide its own assessment of improvement. This may reflect, but is not limited to:

- a. progress against the Improvement Plan objectives;
- b. staff surveys;
- c. the quality of feedback from parents and carers;
- d. clear information about local accountability and governance structure;
- e. the documentary evidence used to plan, track and evaluate the impact of actions, which may include:
 - i. a progress update against each area of significant weakness;
 - ii. a dashboard of performance measures showing whether targets and milestones are being met in a timely manner; any slippage; evidence of impact and whether the local area is on track to meet the next set of milestones;
 - iii. an updated risk register and mitigation plans; and
 - iv. evidence of systems being in place for collecting and analysing the impact of actions. Any local evidence held that key partners, including children and young people, families and schools are playing an active role in improving services.

11. From time to time, the Department may require that a diagnostic review or assessment of performance in a specific service area is undertaken by a party agreed with the Department.

12. For any review or assessment, the Council must provide the person(s) conducting it with:

- a. access to, and time with, staff and leadership;
- b. accurate and up to date data on performance and quality;
- c. facilities to carry out the reviews; and
- d. access to minutes of meetings or any other relevant information.

Timescales:

13. Taking account of the measures set out in this Improvement Notice, the Council should aim for the majority of the actions included in the Improvement Plan to be delivered by the end of April 2024 (i.e. within 18 months of the Ofsted and CQC revisit) or sooner, where appropriate. In addition to the regular reviews of progress, the Department will undertake a review of progress against the Improvement Plan in April 2024 to determine whether progress has been sufficient.

Failure to comply with this Improvement Notice by the assessment dates or poor progress:

14. Should the Council be unwilling or unable to comply with this Improvement Notice or should the Secretary of State not be satisfied with the Council's progress at any stage, she may choose to invoke her statutory powers of intervention (s497A Education Act 1996) to direct the Council to take any further actions deemed necessary to secure the improvements required in SEND services.

Signed:

Date: 31st March 2023.

A handwritten signature in black ink, appearing to be 'H. Brayley-Morris', written in a cursive style.

Helen Brayley-Morris

Senior Civil Servant in Department for Education

Annex 1

Areas requiring significant improvement:

1. A widely held concern of parents that the local area is not able, or in some cases not willing, to meet their children's needs.
2. A variable quality of provision and commitment to inclusion in schools, and the lack of willingness of some schools to accommodate children and young people with SEND.
3. That parents and carers have a limited role in reviewing and designing services for children and young people with SEND.
4. An inability of current joint commissioning arrangement to address known gaps and eliminate longstanding weaknesses in the services for children and young people with SEND.
5. Poor standards achieved, and progress made, by too many children and young people with SEND.
6. The inconsistent quality of the EHC process; a lack of up-to-date assessments and limited contributions from health and care professionals; and poor processes to check and review the quality of EHC plans.
7. Weak governance of SEND arrangements across the EHC system at strategic and operational level and an absence of robust action plans to address known weaknesses.
8. Unacceptable waiting times for children and young people to be seen by some health services, particularly CAMHS, tier two services, SALT, the wheelchair service and ASD and ADHD assessment and review.
9. A lack of effective systems to review and improve outcomes for those children and young people whose progress to date has been limited by weaknesses in provision.