

Technical Appendix 7: Education – Special Educational Needs and Disabilities (SEND)

1. Service Overview

- 1.1. Under the Children and Families Act 2014, KCC has responsibilities to improve services, life chances and choices for vulnerable children and to support families. This underpins wider reforms ensuring all children and young people can succeed, no matter what their background. The Act extends the special educational needs and disabilities (SEND) system from birth to the age of 25 where appropriate, giving children, young people and their parents/carers greater control and choice in decisions and ensuring their needs are properly met.
- 1.2. The Equality Act 2010 and Part 3 of the Children and Families Act 2014 interact in several important ways, including a common focus to remove barriers to learning. Under the latter, duties for planning, commissioning, and reviewing provision, the Local Offer, and requirements for different agencies to work together apply to all children and young people with special educational needs or disabilities.
- 1.3. [Kent's SEND Strategy 2021-2024](#) has been developed jointly by KCC and the NHS, in conjunction with children, young people, parents and carers, Kent Parents and Carers Together (PACT) and other key stakeholders.
- 1.4. Kent is committed to identifying SEND needs early to plan and provide appropriate support. The SEND strategy, together with the Kent's New Approach [1] to inclusion in schools, will ensure a graduated approach to meeting additional needs.

[1] https://www.kelsi.org.uk/_data/assets/pdf_file/0004/119470/Countywide-Approach-to-Inclusive-Education.pdf - currently as draft KCC policy.

2. Types of SEND Provision

- 2.1. A child or young person must have an Education Health Care Plan (EHCP) to access SEND services, which are provided through the following facilities:
- 2.2. Specialist Resource Provision (SRP) and Designated Units on Mainstream School Sites
 - 2.2.1. SRP and Designated Units provide additional specialist facilities on mainstream school sites for a small number of pupils (typically less than 30). These children have EHCPs and require higher levels of support than mainstream schools can normally provide, but their needs are not so complex that special school placements are appropriate. These needs typically include speech, language, and communication needs (SLCN),

hearing or visual impairment (HI/ VI) or autism spectrum disorders (ASD). Less commonly, they may serve pupils with a physical disability (PD) or behavioural difficulty. SRP and Designated Units vary widely, often reflecting the local approach to inclusion.

2.2.2. SRP provision generally consists of:

- 2 Rooms – smaller than classrooms
- Accessible toilet
- Office Space
- Intervention/sensory room
- Kitchen – depending on distance from main school building
- Separate entrance/exit and external hard play space

2.3. Special Schools

2.3.1. Special schools serve children and young people with a special educational need or disability that cannot be met in a mainstream school. They vary widely in their programmes of study: in some, the curriculum is essentially mainstream, while in others it can focus more on life skills and developing personal independence. Special Schools in Kent currently provide for:

- Autism Spectrum Disorder
- Behaviour and Learning Needs
- Physical Disability
- Profound, Severe and Complex Needs
- Social, Emotional and Mental Health

2.4. Special School Satellites

2.4.1. Several Kent Special schools have satellites: classes run by their own staff but hosted in additional, specific infrastructure at mainstream schools. These give pupils an opportunity to learn alongside their peers, with appropriate support.

3. Assessing the Need and Calculating Demand

3.1. Threshold for Seeking Contributions and Qualifying Developments

Any development of 10 or more dwellings or a site size of 0.5Ha and above will be assessed and a request for SEND contributions requested.

KCC will not seek contributions from the following:

- One-bed dwellings of less than 56 sqm GIA
- Homes restricted in perpetuity to persons over 55 years of age
- Student accommodation
- C2 Dwellings

- Sites specifically set aside for transient Gypsy and/or Traveller Communities

3.2. Service Capacity

3.2.1. Both nationally and within Kent, the number of children and young people with an EHCP is increasing every year. SEND infrastructure in Kent is currently at capacity, so KCC will seek contributions from all housing proposals that meet the threshold to mitigate this new demand.

3.2.2. Locations of existing special schools by district can be found on the [School location maps page \(Kelsi\)](#).

3.3. Forecasting Demand Generated by New Developments

3.3.1. The Pupil Yield figures set out below in Table 1 have been calculated by multiplying the Mainstream pupil yield figures for primary and secondary education by 3.7% (the current proportion of pupils with EHCPs) and deducting the percentage of children and young people who have an EHCP, but do not access specialist education provision (based on England percentages only).

Table 1: SEND Pupil Yield.

	Per Flat	Per House
Mainstream Primary Pupil Yield	0.07	0.28
Mainstream Secondary Pupil Yield	0.05	0.2
Combined Primary and Secondary Pupil Yield	0.12	0.48
Combined Pupil Yield x % Pupils with an EHCP (England)	0.12 x 3.7%	0.48 x 3.7%
EHCP Pupil Yield minus EHCP Pupil Yield not accessing SEND specialist provision	0.0044 X 61.95%	0.0178 x 61.95%
SEND Pupil Yield	0.0027 (Ref.1)	0.0110 (Ref.1)

(Ref.1) To four decimal places.

4. Cost of Additional SEND Places – S106 Contribution Rates

4.1. Build Contributions

- 4.1.1. The build rate per pupil (Table 2) is derived from a 2019 Aecom study of Kent SEND build projects commissioned by KCC, benchmarked against national projects. A blended rate [2] is used as the baseline, covering provision of a broad range of SEND school places.

[2] Incorporating the cost of new build specialist schools, extensions, and SRP provision.

Table 2: SEND Education Contribution Rates – Build Costs.

	Per Pupil	Per House (Per Pupil Rate * SEND Pupil Yield Per House)	Per Flat (Per Pupil Rate * SEND Pupil Yield Per Flat)
SEND Contribution Rate (Build Only)	£50,893.35	£559.83	£139.96

- 4.1.2. Contribution rates are based on build data from 2017/18 and adjusted for inflation (rebased to Q1 2022).

4.2. Land Contributions

- 4.2.1. Where new schools are required, or additional land needed to enable an existing school to expand, KCC will seek the provision of land and/or proportionate financial contributions.
- 4.2.2. National Planning Practice Guidance advises how local planning authorities (LPAs) should prepare plans and take account of education requirements. KCC will work with the LPAs and developers to identify and allocate sites to ensure additional education places are planned for, including land required for school expansions and new schools.
- 4.2.3. This land should be provided to KCC at 'nil consideration'. Where the site has been allocated in the development plan for a school/education or where there is no realistic prospect of development, its value will normally be based on its existing or alternative-use value. If the site could realistically obtain residential permission, if it had not been required to provide education infrastructure for other sites, it will normally be valued at residential land value: it will still be provided to KCC at nil consideration, however. KCC will work with the LPAs to secure this via the s106 process and CIL contributions.

- 4.2.4. Where a developer is providing land and the site area exceeds the development's needs, the landowner should not be disadvantaged. In these cases, KCC will seek proportionate land contributions from other sites and transfer these sums to the land provider when received.
- 4.2.5. An example of build and land costs for SEND can be found in the Technical Appendix 11: Example Build and Land Contributions.

5. Spending Contributions – Projects

- 5.1. To meet the need for specialist places across Kent, a mixture of new special schools, expansions of existing schools and the establishment of satellites and SRPs will be commissioned within the districts.

6. Indexation

- 6.1. To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. KCC applies the BCIS All-In Tender Price index, with the base date for indexation set at Q1 2022.

7. Time Limit on Spend

- 7.1. Any contributions will be repaid to the original payee on request if not committed or spent towards its purpose within 10 years of receipt of the contributions in full (if paid in instalments) or alternative longer period as may be agreed.