

# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

Roger Gough, Leader Kent County Council

## DECISION NO:

23/00124

**For publication** [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

### Key decision: YES

*Key decision criteria. The decision will:*

- a) *be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:*
- the adoption or significant amendment of major strategies or frameworks;*
  - significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.*

### Proposal to commission a 30 place specialist resourced provision (SRP) for secondary aged pupils with autistic spectrum condition at Folkestone Academy.

#### Decision:

As Leader of Kent County Council, I agree to:

- (i). Release £200,000 of capital funding from the Children’s, Young People and Education Capital Budget to enable works to be completed to open the SRP;
- (ii). Authorise the Director of Education on behalf of the County Council to enter into capital and revenue funding agreements with the Turner Schools Trust; and
- (iii). Authorise the Director of Education to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts

#### Reason(s) for decision:

##### Background

The number of children and young people resident in Kent with an Education Health & Care Plan (EHCP) was 18,930 as at January 2023. This was a 6.8% increase on the previous year. 4.2% of 0-25 year olds resident in Kent have an EHCP, compared to 3.1% nationally. This demand continues to place pressure on the specialist provision available within the County. 39.7% of EHCP learners in Kent (2023) are educated in special schools, compared to 34.8% nationally. The position is unsustainable.

To address the above, Kent is now part of the Department for Education’s (DfE) Safety Valve programme. This programme supports local authorities to reform their high needs systems and SEND services for children and young people while ensuring services are sustainable. A significant element of this is to reduce demand for special school places by improving the ability of mainstream schools to support children and young people with SEND, and building parental confidence in this. A further element of this work is to ensure we have the right provision in the right places, with pathways which enable learners with an EHCP to move from the primary to secondary sector in their localities. To that end, KCC has developed its first SEND Sufficiency Plan. This forecasts a further increase in the number of children and young people with EHCPs linked to their ASC. One gap in our provision is in Folkestone where there is a primary phase specialist resourced provision for children with

autistic spectrum condition (ASC), but no pathway into secondary school. This leads to a demand for special school places, rather than maintaining support in a mainstream setting. Accordingly, the Plan recommends commissioning a 30 place secondary SRP at Folkestone Academy from September 2024.

### **Financial Implications**

Capital funding of up to £200,000 will be required. At c£6,660 per place this represents good value for money given that between August 2021 and January 2023, KCC delivered 6 new SRPs at an average cost of £42,618 per place and the DfE's benchmark figures for an expansion per pupil for a SEND capital project currently stand at an average cost per pupil £63,000. The funds have been allocated within the High Needs Capital Budget, the current budget for 2023-24 to 2025-26 is £40.5m. The Trust wishes to self-manage the capital works, therefore a capital funding agreement will be entered into if the proposal is agreed.

Revenue funding for SRPs is determined as part of the funding arrangements for schools. The number of places commissioned are funded at a pre-set rate, in this case 6 places in year 1, at c£19,000 per place for ASD (£15,500 per place excluding the basic rate of funding for each school place). The funding comes from the High Needs funding block of the Dedicated Schools Grant, a ring-fenced grant from the Department of Education). The LA puts in place service level agreements with maintained schools and contracts with academies, which covers the funding and expectations. Accordingly, if approved, a three year contract will be entered in to with the Trust.

Additionally, it is expected that the proposal will have a positive impact on reducing the pressure on the SEND Transport Budget.

The proposal will support Priority 1 of Framing Kent's Future 2022-26:

- the commitment to maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families; and
- to make significant improvements in educational attainment, particularly for deprived communities in coastal areas so that they improve faster than the rest of Kent to reduce the gaps.

The proposal will support Securing Kent's Future Objective 2:

- The proposal is included within the SEND Sufficiency Strategy which is ensuring the right mix of placements are available.
- Having SEND provision closer to where it is needed will reduce the distances families are required to travel and reduce transport costs.
- The revenue cost at £19,000 per place per annum compares favourably to the cost of commissioning additional places within a maintained special school or an ASD day placement in an independent SEND school which currently stand at £21,277 and £45,599 per place per annum respectively. It is anticipated the creation of these places will lead to a cost avoidance of between £0.25m and £1.0m per annum once filled, this saving will contribute towards the High Needs Safety Valve plan.
- The capital costs of the project are far lower than expanding existing specialist provision.

### **Legal Implication**

A contract will be entered in to with the Turner Schools Trust to commission the provision of this service. A standard contract exists for all SRPs provided by academy trusts in Kent.

**Equalities Implications**

An EIA has been completed and no negative impact on protected groups has been identified.

**DPIA**

A DPIA was not required.

**Cabinet Committee recommendations and other consultation:**

The Children’s and Young People Cabinet Committee consider the decision on 16 January 2024.

The Turner Schools Trust consulted on the proposal. The Trust received 28 responses via email to the consultation document, of which 27 were in support.

Members in the divisions most likely impacted by the proposal are in support.

**Any alternatives considered and rejected:**

There are two non-selective secondary schools in Folkestone, both in the Turner Schools Trust. The Trust has proposed to base the SRP in Folkestone Academy. This has accommodation that can be adapted. The sister school, Turner Free, has no surplus accommodation, thus the costs of providing an SRP here would be more significant. The local primary SRP for ASC is also within the Trust. This will further help create a smooth transition pathway and allow for strong partnership with parents as their children progress to secondary school.

The option of not opening a further SRP for ASD in the district has been rejected. The absence of an onward pathway at secondary transfer age for those pupils educated in the local primary SRP leads to them moving into special schools, both maintained and independent, with longer journeys to school. This limits their ability to form local friendships, participate in after school activities, and the risk of isolation.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

Cllrs Rory Love and Jenni Hawkins are Members for Divisions impacted by this proposal.

The decision on this proposal would normally be taken by the Cabinet Member for Education and Skills. However, as the proposal could have a specific impact on Cllr Love’s division (Cheriton Sandgate and Hythe East) the Leader will make the decision.

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signed

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date