

By: Director - Operations

To: School Organisation Advisory Board – 17 October 2007

Subject: UNIT REVIEW (INCLUDING DESIGNATED AND SPECIALIST PROVISION AND VERY SEVERE AND COMPLEX NEED SUPPORT FOR CHILDREN AND YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEED AT MAINSTREAM SCHOOLS)

Classification: Unrestricted

Summary: This report updates Members on the progress of the review of units and specialist designations and alerts Members to the possible need for a statutory consultation in relation to some individual proposals.

FOR INFORMATION

Introduction

1. (1) In 2003 following the review of special schools across Kent, Members agreed the need to review Units and specialist designations. The objectives of the Review are:

- To ensure the pattern, diversity and organisation of provision reflects the changing needs of the pupil population
- To support schools in becoming more inclusive and accessible to all learners
- To reduce the long distances travelled by many children on a daily basis thus limiting stress for them and their families and reducing the expenditure on transport
- To ensure complementary provision to that available in special schools.

(2) Since 2003, a number of key initiatives and developments in Kent have influenced the review. The development of clusters and the move towards Children's Trusts-like arrangements provides the structure through which local provision can be commissioned to meet local needs. The Disability Discrimination Act, Part 4 means that all schools must work towards developing flexible approaches to ensuring better outcomes for children and young people with learning difficulties and disabilities. The organisation of mainstream resourced provision needs to take account of this. Equally, the opportunities presented by Building Schools for the Future and the 10-year Childcare strategy should be factored in.

Background Information

2. (1) There are 63 Units or designated specialist provisions within mainstream schools in Kent of which 55 have delegated funds and 8 non-delegated. Units and designations provide 938 places countywide. There are currently 757 pupils on roll. In addition 377 pupils have Very Severe and Complex Need (VCSN) funding. These learners attend mainstream schools in accordance with their parent's wishes and funding for them is allocated by a headteacher panel on a case by case basis. An increasing number of parents/carers are exercising their rights to secure local mainstream provision for children with severe and complex learning difficulties/disabilities.

(2) The following need types are covered by the review: Autism; Hearing Impairment (HI); Physical Disability (PD); Speech and Language; Specific Learning Difficulties (SPLD); and Visual Impairment (VI). The total funding allocated to this provision is £13m. This comprises delegated fixed sum and place funding for units 8.4m, Non delegated costed funding for units 1.1m and Very Severe and Complex Need (VSCN) funding 3.5m. The review encompasses all of the above provision.

(3) To achieve the objectives of the review, provision will be commissioned from each cluster. The idea of the 'Unit' is being refreshed making it more flexible and responsive to cluster need, through the introduction of the 'Cluster Lead School' accountable to and funded through the cluster board. The Cluster Lead School would be responsible for taking a lead in a particular need type and developing special expertise to support learners within a locality either in their own school or in other schools. A locality could consist of a cluster, district or area dependent upon the incidence of need. New funding mechanisms are being developed to fit with this new structure of provision.

The Proposal - Development of Cluster Provision

3. (1) Consultation and planning in clusters began in May 2006. Clusters have worked in groups with the support of the Project Manager, Local Education Officers, specialist CFE staff and local health professionals to develop proposals for cluster provision for children within each need type. The decision-making process, agreed by Cabinet on proposals for lead school provision is as follows:

- proposals are submitted to the county unit review multi-agency steering group for initial consideration;
- proposals are presented by area to Cabinet Members seeking their views on whether to consult with a wider group of stakeholders;
- the outcome of the consultation is presented to Cabinet and agreement on proposals sought.

(2) The proposals being developed by clusters are diverse and may include: schools which currently have unit provision becoming cluster lead schools for that particular need type; changes to the designation of existing provision and/or the establishment of new cluster lead schools that have not previously had a special unit or designation.

(3) The consultation process outlined above encompasses consultation with schools, parents, students and key local stakeholders and interested parties. This has enabled packages of proposals to be developed at a local level which covers the full range of need and takes account of the need to ensure an appropriate range and mix of provision within any given locality. However, in some cases there may be a need for further statutory consultation in relation to individual school-specific proposals.

(4) The School Organisation (prescribed alterations to maintained schools) (England) Regulations 2007 set out what constitutes a prescribed alteration to a school such as to trigger the need for a public notice process. One such prescribed alteration is "the addition or removal of, or change to provision reserved for pupils with SEN."

(5) The arrangements for establishing cluster lead schools and for de-designating some existing provision need to be considered against this statutory requirement, taking account of what is being proposed and the basis on which existing provision has been established. Given the intention to implement the concept of cluster lead schools and the proposed changes to the arrangements for funding specialist provision the definition of what constitutes a reserved place and whether an individual

proposal will therefore require an additional statutory consultation process requires legal guidance. This is currently being sought from KCC Legal Services.

(6) Subject to that advice it may be that some of the Phase One proposals would need to go through an individual public consultation process prior to issuing a statutory public notice proposal in addition to some of those proposals included in Phase Two.

(7) The intention is to seek the views of the School Organisation Advisory Board on all those proposals which require a statutory public notice proposal. If advice from Legal Services is available before the School Organisation Advisory Board meeting on 17 October, details of the Phase One proposals requiring statutory consultation will be reported at the meeting. Otherwise they will be brought to the next meeting of the School Organisation Advisory Board on 14 November 2007. Any Phase Two proposals requiring a statutory public notice will be brought to the School Organisation Advisory Board meeting on 7 February 2008 following consideration by Cabinet of the overall package of proposals at its meeting on 14 January 2008.

(8) It is very important to note that the emerging pattern of provision suggests that most schools with existing units are being identified by their clusters as the Cluster Lead School. Clusters are at two different stages of development.

Phase One

(9) In Phase One, there are eight Clusters. Proposals for these Clusters formed the basis of a consultation process undertaken during June and July 2007. The majority of responses to the consultation on Phase One proposals, (73%) were positive. A full report on the outcome of this consultation is the subject of a Cabinet paper presented to Cabinet on the 17th of September 2007, a copy of which is annexed to this report.

Phase Two

(10) All remaining Clusters are part of Phase Two. Continued progress has been made on cluster lead school nominations for these areas and a detailed presentation will be made to Cabinet Members on 15 October prior to a wider consultation in each area.

(11) Details of the proposals in Phase One are included in the report to KCC Cabinet on 17 September 2007, a copy of which is annexed to this report. The details of Phase Two proposals will be considered by Cabinet Members on 15 October following which they will inform local Member briefings and consultation with local stakeholders before being reported to Cabinet for agreement at the meeting on 14 January 2008.

The Views of the Clusters

4. All of the proposals for both Phase One and Phase Two have been developed in consultation with cluster schools and reflect the collective views of the clusters which have considered proposals within the context of local needs and circumstances.

The Views of the Governing Bodies

5. All of the proposals for Phase One and Two are supported by the governing bodies of the schools concerned.

The Views of Local Members

6. (1) Local Members were fully briefed on Phase One proposals at a dedicated briefing which was held on 25 May 2007. Similar meetings are scheduled for local Members in respect of Phase 2 proposals on 16 October 2007 and 19 October 2007.

(2) The views of individual local Members will be reported to SOAB in respect of any individual proposals requiring a statutory consultation.

Resource Implications

7. (1) The revenue, capital and staffing implications in relation to Phase One proposals are set out in the Cabinet Report of 17 September which is annexed to this report.

(2) New funding proposals have been developed by a working party consisting of officers, headteachers, teachers in charge of units and including members of the Schools Forum.

(3) On 20 July, the funding proposals were agreed by the Schools Forum as the basis for consultation in the Autumn. Details of the proposed changes are included in the Cabinet paper annexed to the report.

(4) The specific capital, revenue and staffing costs of Phase Two proposals will be reported to SOAB once proposals have been agreed by Cabinet on 15 October.

Recommendations

8. Members are asked to NOTE the progress of the review and consider whether any individual proposals which may be tabled at the meetings should be subject to a public consultation process with a view to issuing a statutory public notice proposal in due course.

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Background Documents:

Cabinet Reports on the Unit Review:

16 October 2006
13 March 2007
17 September 2007