

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Rory Love, Cabinet Member for Education and Skills in consultation with Sue Chandler, Cabinet Member for Integrated Children's Services

DECISION NO:

24/00119

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

Key decision: YES

Subject Matter / Title of Decision: Special Education Needs transformation and the role of the Specialist Teaching and Learning Service (STLS)

Decision:

As Cabinet Member for Education and Skills, and in consultation with the Cabinet Member for Integrated Children's Services, I agree to:

1. APPROVE the funding arrangements and revised model for the continued delivery of the Specialist Teaching and Learning Service (STLS) beyond 31 August 2025 when the Service Level Agreements cease:
 - a. that funding for school age STLS will be funded from the high needs block of the Dedicated Schools Grant (DSG) and this funding will form part of the communities of schools budget for local decision making.
 - b. that funding for the early years STLS will be funded from the early years block for central services from the Dedicated Schools Grant (DSG)
 - c. change of delivery from commissioned provision to being managed in-house.
 - d. an extension to the existing Service Level Agreement, if required, in order to implement this transfer.
2. DELEGATE authority to the Corporate Director for Children, Young People and Education, to implement the revised Specialist Teaching Learning Service model.
3. DELEGATE authority to the Corporate Director for Children, Young People and Education, to enter into extensions to the existing Service Level Agreements as required to implement the transfer of STLS from a commissioned to an in-house service.
4. DELEGATE authority to the Corporate Director for Children, Young People and Education, to take other relevant actions, including but not limited to entering into relevant contracts or other legal agreements as required to implement this decision.

Reason(s) for Decision:

The current Service Level Agreement (SLA) for the Specialist Teaching and Learning Service (STLS) ends on 31 August 2025. To inform recommendations about the status of the service beyond August 2025, a public consultation was undertaken. This focused on how the STLS might fit within

the new ways of working being implemented as part of the ongoing transformation of services that support children and young people with Special Education Needs and Disabilities (SEND) in Kent.

The outcomes of the consultation suggest that the service is highly valued and has a role to play in supporting mainstream schools and early years settings as this transformation continues and therefore funding for the service should continue.

Feedback identified capacity issues within the service that can create gaps in what support schools receive. Therefore there is a need to revise the model of the service, to streamline the offer in recognition of the capacity issues and prioritise service delivery on areas that can deliver greatest impact.

Background

The current Service Level Agreement (SLA) for the Specialist Teaching and Learning Service (STLS) ends on 31 August 2025.

The overarching aim of the STLS is to support mainstream early years settings and schools to build their capacity and confidence in delivering high quality provision for children and young people with SEND, in improving pupil progress and outcomes and to spread best practice across educational settings. Therefore, the focus of the consultation was on understanding how the service might fit within the new ways of working being introduced as part of the transformation of Special Education Needs support in Kent.

In July 2024, information related to the performance of the service was presented to the Children, Young People and Education Cabinet Committee. [\(Public Pack\)Agenda Document for Children's, Young People and Education Cabinet Committee, 09/07/2024 14:00.](#)

A public consultation commenced 9 September 2024 and ended 3 November 2024. The focus was on understanding how STLS might fit with the new ways of working being introduced as part of the transformation of Special Education Needs support in Kent.

Based on feedback from the consultation, the proposal is that funding for STLS will continue.

The service model will be adapted to reflect the outcomes of the consultation and wider reforms being implemented as part of the ongoing transformation of SEND Services in Kent. This will involve a move to link practitioner model across the county. STLS will form part of the professional resources group available to mainstream schools and early years settings to promote inclusive practice and improve outcomes for children and young people.

School age STLS will be funded from the High Needs Funding block - specifically this money will form part of the Communities of Schools for local decision making, as described in the SEN Funding Model. It is expected the funding for STLS will be a committed sum within the Community of Schools allocations.

There is an expectation that all Communities of Schools will fund a basic service to ensure equity of access across the county but will be able to increase the amount of resource available to them through investing more.

Early years STLS will be funded from the early years grant and top sliced from the element that the LA can retain for central services.

Following feedback submitted as part of the consultation, an initial options appraisal related to future service delivery has been revised. This has involved consideration of the service being delivered by a sole provider across the county. This approach offers economies of scale as well as the ability to

ensure equity of access, quality and offer of support. The Local Authority is best placed to deliver STLS as a county wide service, therefore the proposal is to bring STLS in house to form part of a core offer of support for mainstream schools and early years settings. An extension to the existing Service Level Agreement may be required to implement this change.

Framing Kents Future 2022- 2026

These actions will support Framing Kent's Future through:

- Priority 1: Levelling Up Kent and our commitment to maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families, specifically: Maintain improvement support services for all Kent schools, including maintained schools and academies, to maintain Kent's high-quality education system.
- Priority 4: New Models of Care and Support and our commitment is to support the most vulnerable children and families in our county, specifically in relation to responding to national policy changes on SEND provision, working with mainstream schools so more can accept and meet the needs of children with SEND, increasing choice and proximity of school places.

These actions will support Securing Kent's Future by:

- Supporting Objective 1 in bringing the budget back into balance through cost avoidance achieved by supporting more children in mainstream schools from the outset of their statutory education and avoiding the use of non-maintained independent special school placements.
- Further transforming the operating model of the Council (Objective 4). By providing a greater focus on understanding and demonstrating impact will enable more effective decision making about how and where to focus the use of resources.

Consultation

The consultation received a total of 523 responses; 427 from professionals and 96 from residents, 81% of whom were parents or carers. The largest group of responses (26%) were received from primary school Special Educational Needs Co-ordinators (SENCOs). This is considered a good response rate.

Responses were received from professionals working in each district in Kent, although the overall distribution was uneven. The highest number of responses from professionals came from Maidstone (18%) and Thanet (17%) districts. Responses were received from residents in each district in Kent, except Dartford. The highest number of resident responses was received from Maidstone (17%) and Swale (17%).

A detailed analysis of the responses to the consultation was published.

Equalities Assessment

An Equalities Impact Assessment was updated in response to feedback gathered from the consultation.

Key issues identified from the public consultation are:

- Age: respondents identified a detrimental impact on younger children, specifically those in early years settings, if the service were to end. This would also be the case if the funding approach changed in a way that meant early years settings could no longer access the service.
- Age: the impact on younger children, specifically those in early years settings, was also referenced in relation to transition into school age settings.

- Gender: a detrimental impact on women was referenced, if the service was to end. Women make up the majority of the STLS, SENCO and teaching workforce,
- Disability: respondents identified potentially detrimental impact on children and young people with SEND if the support provided by the service were to end. Some respondents identified a potential impact specifically on children with Communication and Interaction, Social Emotional and Mental Health, and Cognition and Learning needs. This is because children with sensory and physical disability needs will continue to be supported by in-house STLS which fulfils a statutory duty.

The following mitigating actions were identified in relation to the above:

- Age: consideration will be given the how support for early years can be funded in the future to ensure that the youngest children are not disadvantaged. Information gathered through the implementation of the revised model of support to early years settings will be used to inform this.
- Age: consideration to be given to early years STLS working with Year R in mainstream schools to support improved transition.
- Gender: this risk will be mitigated through the continuation of the service.
Disability: this risk will be mitigated through the continuation of the service.

Financial Implications

The current spend on the STLS is £5,856,468 per year. This includes both staffing and non-staffing costs.

This is a static annual budget that has remained unchanged since before the existing SLA.

Based on the proposal to bring the service in house, the annual staffing costs are estimated to be £5,760,325 (excluding current vacancies). This is based on the current establishment of the service as provided by special schools through regular performance monitoring. These costs would be expected to rise in line with relevant pay awards each year.

The future cost of the STLS service will be determined through a needs assessments to determine both the split of service costs between early years and school aged children, along with the value of the basic and traded service for school-aged children, the latter will be determined by the Communities of Schools requirements.

The proposed new operational model for STLS adds an additional element of financial risk, where the traded element of the service will fluctuate depending on the demand for the service by different communities of schools. To help mitigate against this risk, it is expected Communities of Schools will be required to provide a suitable period of notice to make changes allowing sufficient time to manage the change and flexibly deploy the resource in the most cost effective way.

The cost of bringing the service in house is estimated to be £580,318. This includes costs related to provision of equipment, technology and associated resource to manage this process. It does not include any potential redundancy costs, or additional premise costs (this is expected to be managed within existing KCC buildings). This is expected to be managed in the first year within the overall envelope offset by normal staffing changes that can result from a change process.

A six month extension to the SLA in order to undertake the proposed transfer is estimated to cost £3,385,560.

Funding Arrangements

The service is currently funded from the High Needs Block of Dedicated Schools Grant (DSG)

provided by the Department of Education (DfE). The High Needs Block is funded from a combination of the High Needs allocation from the DfE (annual grant of c£330m) plus a further contribution from primary & secondary budgets (equating to 1.2%) of approximately £15m, in response to the Council overspending its grant allocation. This transfer is expected to continue each year until the Council is able to operate sustainably within its high needs grant allocation. The transfer contributes towards the range of SEN support services to schools (of which STLS is one example). SEN Support Services are a discretionary service, and the total money available for all SEN Support services for schools is considered in context of the value of the transfer.

Spend is reported within the Special Educational Needs & Psychology key service line presentation of the 2024-2025 Medium Term Financial Plan. This is not currently a direct cost to the General Fund. However, the Council has committed to contributing a total of £82m towards the accumulated DSG deficit relating to High Needs overspends by 2027-28.

The proposal is for the SLTS to be fully funded through a combination of the High Needs Block and Early Years Block (of the DSG provided by DfE). The High Needs block will be used to fund service for school aged children through the funding to be made available for the Communities of Schools Budgets, and will form a pre-determined committed sum. Early Years Block Funding will be used to fund the STLS for early years providers.

In 2024-25, the budget for central services to Early Years providers was £7m, and the future funding of the early years element of this service will be funded from a combination of recent savings in other early years services and the expected increase in funding for 2025-26. By maximising the use of other funding sources will also support savings on the High Needs Block.

Data Protection Impact Assessment

Data protection implications will be considered as part of the implementation of the revised model, specifically in relation to any transfer of data between the existing and future provider.

Cabinet Committee Recommendations and Other Consultation:

Any Alternatives Considered and Rejected:

The following options were considered in relation to the future of the service. Three options were identified by KCC as preferable. Respondents to the consultation were asked to rank these in order of preference. Every option was described in the consultation and respondents were given a free text box to comment on any option identified.

Based on an options appraisal, the following options have been rejected.

- Option 1: End the service when the current Service Level Agreement ends on 31 August 2025.
- Option 3: STLS becomes a traded service.
- Option 4: STLS is funded via the School Inclusion Model for Mainstream, meaning that the service would be funded by Communities of Schools with money allocated to them from HNF block for local decision making.
- Option 5: Transfer the service from special schools to KCC, bringing the service in house.
- Option 6: Transition option, namely extending the current SLA for one year to enable a transition to Option 4.

This appraisal has been re-considered following receipt of a proposal for a sole provider to deliver the service across the county. In considering this proposal, consideration was given to the advantages and disadvantages of a single county wide provider, four areas based or twelve district

based providers. The type of organisation that could deliver across each of these footprints was also considered, necessitating further consideration of the Local Authority as a potential provider.

In relation to the geographic footprint, the following options were considered and discarded:

- deliver the service across a district based footprint

In terms of the type of organisation that could deliver the service, the following options were considered and ruled out:

- Maintained schools (mainstream and special)
- Academy trusts
- Independent, external organisation
- The Education People (traded arm of the Council)

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

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signed

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date