

**From: Matt Dunkley CBE, Corporate Director of Children, Young People and Education**

**To: Sue Chandler, Cabinet Member for Integrated Children's Services**

**Subject: Specialist Teaching and Learning Service (STLS) - Consultation outcome on service redesign and delivery options from April 2022**

**Decision Number: 22/00001**

**Key decision: Overall service value exceeds £1m and affects more than two Electoral Divisions**

**Classification: Unrestricted**

**Past Pathway of report: Children and Young People's Cabinet Committee – 11 January 2022, Children and Young People's Cabinet Committee – 1 March 2022**

**Future Pathway of report: Cabinet Member Decision**

**Electoral Division: all**

**Summary:** Following the Key Decision (21-00023) taken in March 2021 the cabinet member is asked to approve the future STLS offer in providing expertise and support to Kent's mainstream early years settings and schools as part of a holistic Inclusion Framework.

**Recommendation(s):**

The Cabinet Member for Integrated Children's Services is asked to agree the proposed decision to:

1. Extend the existing STLS district Service Level Agreements (SLAs) for five months (April to August 2022, inclusive), and new flexible three-year SLAs for implementation from September 2022.
2. Improve strategic governance and monitoring of the SLAs as part of the wider Children and Young People Outcomes Framework knitting together the SEND Strategy, the priorities set out in the Countywide Approach to Inclusive Education (CATIE) and the STLS Key Performance Indicators.
3. Implement proposals for a consistent countywide tiered model of access to specialist advice, support and interventions from September 2022, including: drop-in clinics, solution focussed Local Inclusion Forum Team (LIFT) Meetings, Intensive Specialist Support to model specialist interventions and strategies, and allocation of a named Link Teacher to settings and schools, as a single point of contact.
4. Implement proposals for STLS to focus on targeted and specialist level training. This work to be linked to the development of the Kent Directory of Resources.
5. Offer the opportunity for chargeable bespoke training where a need is identified which cannot be met through the existing Kent training offer
6. Improve outcomes for children and young people with SEND by ensuring that all

Specialist Teachers have access to an equitable programme of Continuous Professional Development (CPD), and that they have or be willing to work towards accredited qualifications in an area of SEND or membership of relevant national professional bodies.

7. Incorporate the voice of parents/carers as equal partners in design, development and monitoring of specialist training for parents/carers of children and young people with SEND, as well as involving them in service design, identification of gaps, evaluation and improvement.
8. Ensure greater transparency and accountability as part of annual financial audit to ensure resources are targeted and outcome driven.
9. Extend the Physical Disability and Sensory SLAs for 17 months commencing April 2022, with the intention to work through the consultation responses to plan and manage the next steps to create a fully integrated inhouse provision.
10. The Kent Association of the Blind Habilitation Service Grant to be extended in line with the Sensory STLS provision, with a review of the service in the interim period.
11. Delegate authority for the Corporate Director Children, Young People and Education in consultation with the Cabinet Member to implement the Decision.

## 1. Introduction:

- 1.1 The Special Educational Needs and Disabilities (SEND) Code of Practice 2015 states that a child or young person has Special Educational Needs (SEN) if they have a learning difficulty or disability which calls for special educational provision to be made.
- 1.2 A child of compulsory school age or a young person has a learning difficulty or disability if they have significantly greater difficulty in learning than most others of the same age, or they have a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age, in mainstream educational settings.
- 1.3 A child under compulsory school age has special educational needs if he or she is likely to fall within the above definition.
- 1.4 All schools in Kent are expected to have a SEND policy, which sets out their approach to identifying the special educational needs of their pupils. Once identified the support will be provided in addition to the existing support given to all pupils.
- 1.5 The Best Practice Guidance for the Early Years<sup>1</sup> and the Mainstream Core Standards<sup>2</sup> for schools are key reference documents for the provision that the local area expects to be made available for children and young people with SEND attending mainstream early years settings or schools in Kent.
- 1.6 The Children, Young People and Education Cabinet Committee received a report in March 2021 outlining the need to extend the Service Level

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<sup>1</sup> [Best Practice Guidance \(BPG\) for the Early Years - KELS](#)

<sup>2</sup> <https://www.kelsi.org.uk/special-education-needs/special-educational-needs/the-mainstream-core-standards>

Agreements with the Special Schools for the delivery of the STLS, amending the KPIs so that a fuller review could be completed.

1.7 The report outlined the context of SEND in Kent which can be summarised as follows:

- Increasing numbers of Children and Young People with Education, Health and Care Plans (EHCPs)
- Fewer pupils with an EHCP being educated in a mainstream school than would be expected nationally, many attending special schools and a significant proportion attending out of county provision.
- The inspection of SEND services in 2019 highlighting that too many children and young people are not getting the support they need and that a fragmented system has created too many opportunities for the needs of these children to be missed.
- The SEND Written Statement of Action (WSOA) identified a suite of activity which has resulted in the development of the County-wide Approach to Inclusive Education, the SEND Strategy and the new Mainstream Care Standards.

1.8 This led to the Cabinet Member for Integrated Children's Services taking the Key Decision to the Variation of the KPIs and 12-month extension of the SLA for Commissioners and SEN to:

- Understand the impact of the current provision
- Undertake a full options appraisal
- Co-produce a new service specification to create sustainable improvements in the STLS
- Contribute towards the activity in the WSoA
- Understand the return on investment, value for money and alignment of all related SEND activities.

## **2. Purpose and Aims of the STLS**

2.1 The main aim of the Specialist Teaching and Learning Service is to enable children and young people with SEND who attend mainstream early years settings and schools to have access to teaching and learning that is differentiated and enables them to make progress. The approach adopted by STLS is the provision of support, training and modelling of intervention to empower staff across mainstream education. The basis for engagement of STLS is support for school staff so that they have the SEND knowledge and skills to be able to meet the needs of children and young people with SEND, who are experiencing a greater difficulty than their peers in accessing the Early Years and National Curriculum, to achieve their personal best.

2.2 STLS support mainstream settings and schools across four dimensions of need as set out in the SEND Code of Practice:

- Cognition and Learning
- Communication and Interaction
- Social, Emotional and Mental Health, and
- Physical and Sensory

- 2.3 The expected outcome is that more children and young people with SEND are able to attend mainstream educational settings, with full access to the curriculum, and parents/ carers having confidence that their children have a sense of belonging in mainstream education, where they can learn, thrive and achieve their full potential alongside their non-SEN counterparts.
- 2.4 Consequently, with early intervention and prevention as part of a whole system of joined up SEND support, fewer children and young people should require an Education, Health and Care Plan (EHCP) to access the SEND support they need, with higher number of children with EHCPs in mainstream settings and schools and better outcomes for pupils on SEND support.
- 2.5 However, the current SEN support system in Kent has not prevented increasing numbers of requests for Education Health Care (EHC) needs assessment made by parents who have indicated a lack of confidence in their child's education provision. Additionally, children have increasingly been placed in specialist provision or special schools; with significant budgetary pressures exacerbated by the rising numbers and costs associated with independent sector placements. Over the last year the local authority has been reviewing the strategic approach to these challenges and the impact of a continuum of support and services to improve inclusivity in mainstream education settings.

### 3. Current Delivery

#### A. Strategic Oversight and Management

- 3.1 In 2012, the STLS was devolved to 12 Special Schools through Service Level Agreements (SLAs) to support the delivery of the service in each of the 12 districts in Kent. The list of the Special Schools in each district is listed below:

Area	District	Special School	STLS Delivery
North	Dartford	Rowhill	District level
North	Gravesham	lfield	District level
North	Sevenoaks	Valence	District level County Physical Disability County Sensory
South	Ashford	Goldwyn	District level
South	Dover	Elms	District level
South	Folkestone and Hythe	The Beacon	District level
East	Canterbury	St Nicholas	District level
East	Swale	Meadowfield	District level
East	Thanet	Laleham Gap	District level
West	Maidstone	Five Acre Wood	District level
West	Tonbridge & Malling	Nexus	District level
West	Tunbridge Wells	Broomhill Bank	District level

- 3.2 The Valence Special School in Sevenoaks is the only Special School holding three SLAs, one for the district STLS offer, one for the Physical Disability STLS and one for the Sensory STLS.
- 3.3 The STLS teams are employed by the relevant Special School and managed by the Special School Headteacher. The STLS teams include STLS Leads (who co-ordinate the operational delivery of the District level offer), County Professional Leads (who co-ordinate the countywide Physical Disability and Sensory offer), specialist teachers, other qualified practitioners and administrators
- 3.4 Most of the STLS teams are co-located within their respective SLA holding Special School. However, some teams have had to move out due to the pressure on Special Schools capacity to accommodate more children. Currently three STLS teams are based outside their Special Schools.
- 3.5 The STLS main point of referral (not exclusively) is through the opportunities for discussion and decision making at Local Inclusion Forum Team (LIFT) meetings. These meetings are chaired by the STLS Leads and attended (although not consistently) by multi-agency partners, including Early Help, Speech and Language Therapists, Educational Psychologists and SENCOs. An expected prerequisite for taking a referral is that early years settings and schools demonstrate that they have used their resources and best endeavours to meet the child/young person's needs. The role of these meetings is then to offer advice and support through solution focussed discussions. If a referral is accepted then the expected outcomes are agreed to form the basis of the STLS work.
- 3.6 Sensory STLS is the only provision which carries a statutory function. Referrals to the Sensory STLS are made directly to the service, rather than through LIFT.
- 3.7 The strategic oversight of the STLS within districts is provided by the LIFT Executives, which are generally made up of representative Headteachers from early years, primary and secondary schools, the SLA holding Special School Headteacher, the STLS Lead and a range of other relevant key practitioners.
- 3.8 The county level strategic governance of the STLS provision across the 12 districts used to be provided by a Strategic Board comprising of representatives of Early Years settings, Special School and Mainstream School Headteachers and Local Authority Officers, accountable to the Corporate Director for Education, Learning and Skills. This strategic level governance has not been in place since 2017.
- 3.9 These SLAs are due to expire by 30 March 2022. A Key Decision was taken in March 2021 to extend the SLAs for one year, within the existing annual financial envelope, to allow a review and redesign of the service, in line with the wider SEND Strategy 2021-24<sup>3</sup>, the Kent SEND Inclusion Statement<sup>4</sup> and

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<sup>3</sup> <https://www.kent.gov.uk/education-and-children/special-educational-needs/send-strategy/strategy-for-children-with-special-educational-needs-and-disabilities>

<sup>4</sup> <https://www.kent.gov.uk/education-and-children/special-educational-needs/send-strategy/send-inclusion-statement>

the Countywide Approach to Inclusive Education (CATIE)<sup>5</sup>, prior to issuing the new SLAs.

## **B. Outreach**

- 3.10 One of the aims of the STLS is to assess and provide outreach support for all children and young people with SEND in early years settings and schools, according to need, and at the earliest possible stage.
- 3.11 The outreach funding historically was aligned to the SMILE training resource. In January 2016, Kent County Council aligned this funding stream (approximately £100k per Special School in Kent) with the STLS SLAs to bolster the LIFT resource for a more flexible approach to develop the district outreach and training offer.
- 3.12 The decision making for these resources should be transparent and led by the SEND needs in the area. Mainstream Headteacher and SENCOs should be consulted via the LIFT Executive and SENCO forum around the utilisation of this resource.
- 3.13 The expectation is that an overall coordinated outreach provision will address district level gaps, maximise outcomes, raise standards and help to close the attainment gap for children with SEND
- 3.14 There is inconsistency in the management and use of the outreach element of the budget; with some Special Schools using this to supplement the core budget, whilst others have been steered by their LIFT Executives to more targeted interventions.
- 3.15 The principles of the outreach budget align closely with the concept of the Locality Based Resources as set out in the Countywide Approach to Inclusive Education (CATIE).

## **C. Service Key Performance Indicators**

- 3.16 A new Inclusion Outcomes Matrix is currently in development for use across all Inclusion commissioned activities. This matrix aims to set out clearly within one document the alignment between three core strategic documents for Inclusion: The Children and Young People Outcomes Framework (co-produced with families in Kent), the SEND Strategy, and CATIE priorities. The matrix takes the core priorities expressed within these documents and groups them into five suggested overarching themes, with the aim of demonstrating the golden threads that connect our strategies, action plans and ultimately translate into service delivery. Beneath the priorities sit a suggested set of Key Performance Indicators against which services will be performance managed going forward. A copy of the draft Inclusion Outcomes Matrix is attached in **Appendix 1**.
- 3.17 The current district STLS KPIs were co-produced with STLS Leads, and approved by the SEN senior management, Kent Association of Head

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<sup>5</sup> [https://www.kelsi.org.uk/data/assets/pdf\\_file/0003/112764/SEND-Inclusion-in-schools-discussion-paper.pdf](https://www.kelsi.org.uk/data/assets/pdf_file/0003/112764/SEND-Inclusion-in-schools-discussion-paper.pdf)

Teachers (KAH) Area Boards and the Kent Special Educational Needs Trust (KSENT), prior to commencement of the SLAs in April 2021.

- 3.18 A mixture of qualitative and quantitative data from the KPIs and Locality Activity Reports (LAR) are used as part of monitoring discussions to ensure the service is meeting its intended outcomes, identify any gaps and explore barriers to inclusion as well as innovative solutions and improvements. To date we have received three terms worth of KPIs, summary of which is attached in **Appendix 2**.

#### **4. Current context of SEND provision in Kent**

- 4.1 Kent continues to see a year-on-year increase in the number of pre-school age and school-aged children and young people identified with SEND, with increasing numbers who have an EHCP.
- 4.2 The Kent SEND Health Needs Assessment (June 2020)<sup>6</sup> indicates that pupils with an EHCP in Kent are less likely to be educated in a mainstream school than would be expected nationally, with many attending special schools, and a significant proportion attending 'out of county' provision.
- 4.3 The SEND landscape in Kent is complex and fragmented and despite significant investment in a whole range of inclusion support and services across education, health and care sector, they are not always joined up. This results in families, settings and schools feeling confused about what is available and how to access it.
- 4.4 The rise in EHC needs assessment requests are mainly driven by parents, primarily due to a reported lack of confidence in mainstream education provision for children with SEN.
- 4.5 The activity required in response to the SEND Inspection is progressing at pace. The sequencing of activity can be challenging.

#### **5. STLS review and redesign in the context of SEND provision in Kent**

- 5.1 It is acknowledged that a lack of county level SEND strategic governance and oversight, monitoring and management of the delivery of the service over a period of years, has resulted in the SLA holding Special Schools finding different approaches to meet the needs of their mainstream settings and schools. Although this has led to much innovation and good practice, it has also contributed towards a variable offer across Kent.
- 5.2 There is significant variation in the engagement and the role of LIFT Executives in monitoring, evaluating and steering the SEN provision and inclusive practices within districts.
- 5.3 The general feedback from settings and schools is that the referrals to LIFT meetings are managed well and that the solution focussed multiagency discussions are productive. However, due to capacity constraints the

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<sup>6</sup> [SEND-HNA-June-2020.pdf \(kpho.org.uk\)](#)

attendance at LIFT of partner agencies is variable. This adversely impacts the outcome of LIFT discussions. For instance, access to Educational Psychology is through Service Level Agreements which may not be provided through lack of capacity, Speech and Language Services are similarly overstretched and not able to meet demand. Early Help officers are not present at all forums.

- 5.4 Capacity and criteria to access other services impacts STLS e.g. Speech and Language Therapy (SALT), Education Psychology, Early Help, Autistic Spectrum Disorder (ASD) diagnosis.
- 5.5 High Needs Funding is provided to local authorities through the high needs block of the dedicated schools grant (DSG). The high needs funding system supports provision for children and young people with SEND enabling local authorities to meet their statutory duties under the Children and Families Act 2014. The High Needs Block has become increasingly overspent with little evidence of impact reflective of the high levels of investment in this area.
- 5.6 The impact of the COVID-19 pandemic on pupils with SEND is well documented. During this period children and young people with SEND have been less likely to be attend their schools. Some children and young people who experienced prolonged absence from education experienced deterioration of their mental health and escalation of their needs. Even where children and young people with SEND were attending settings, most were not able to access the full curriculum. Furthermore, the impact on practitioners working with children and young people with SEND have found the pandemic personally and professionally difficult resulting in reduction of skilled and experienced staff to support children and young people with SEND during these challenging times.
- 5.7 In 2019, Ofsted/ CQC reported that:

*“Regular inclusion meetings, known locally as LIFT, provide support and guidance to schools and early years settings. Practitioners value the discussion and problem-solving approach. Where needed, collaborative working between settings and specialist teachers helps to tailor intervention and better meet children’s needs. Most parents valued these approaches and could see the difference this makes to their children’s progress and development. Primary schools report that the recent introduction of LIFT meetings for early years settings has begun to reduce the number of children starting Reception with unidentified needs.*

*Although LIFT meetings have the capacity to improve the quality of early identification in schools and settings, this is not happening. While stronger schools use the meetings as an opportunity to improve the support they provide, other schools simply view the meeting as an obstacle used to slow down the EHC process. When schools are not clear about the purpose of the LIFT meetings, parents do not receive a clear message about the support their child needs. Several parents said that their concerns were not taken seriously when being discussed at these meetings.”*

These statements still resonate today.



## 6. STLS Service Review and Redesign

- 6.1 Commissioners and service leads in SEN have undertaken a comprehensive review of the STLS service, have spoken to a wide variety of stakeholder groups, analysed the data that is collected at a local level and evaluated the outcomes the services are delivering. Surveys were undertaken with schools and professionals and with parents and carers. In addition, task and finish groups were set up to examine the survey responses and to better understand how these services can be improved or delivered differently. Further information is included in **Appendix 3**.
- 6.2 Whilst the feedback to the surveys indicate a high level of satisfaction to the current service delivery model, there are some variations and inconsistencies across the county. In addition, with growing number of pupils with more complex needs, settings and schools (particularly at secondary stage) feel they need more targeted and specialist support and training to be able to meet the additional needs of learners. This should lead to a reduction in the number of requests for EHC assessments, where the support needed is universally available.
- 6.3 The feedback from stakeholders suggest that they want a specialist service that is easy to access at the point of need and that is equitable and consistent across the county.
- 6.4 The above activities resulted in the need to publicly consult on the future proposals for the STLS offer to support mainstream early years settings and schools across the four dimensions of need as set out in the SEND Code of Practice. The Code of Practice is currently being review with expected publishing date in the first quarter of the new calendar year January/March 2022.
- 6.5 This service, as part of the overarching Countywide Approach to Inclusive Education, is there to support inclusion of children and young people with SEND in mainstream settings and schools. It will require the mainstream leaders and staff to take ownership, promotion and embedding of the services on offer in order to gain maximum impact and best outcomes for children and young people in Kent. The ambition of the local authority is that the future model is aligned with and compliments the wider SEN inclusive practice across Kent.
- 6.6 In developing the proposals for the future delivery of the Specialist Teaching and Learning Service, we have taken onboard the feedback that too often the support to families, Early Years Settings and Schools is fragmented across health, care and education and too complex to deal with.
- 6.7 The proposals are therefore linked to a broader redesign of the SEND service, to strengthen the SEND support to schools and settings, by the potential introduction of four Area Inclusion Officers, whose role will be to:
- Provide strategic governance and oversight. This means that the local authority will make sure decisions about delivery of support and services will be co-ordinated, consistent and of high quality

- Co-ordinate delivery of services to meet needs at whole-school level (including Team Around the Class / Team Around the School approaches).
- 6.8 This model has not been formally agreed, but if implemented will improve the area-based support for inclusion.
- 6.9 The proposed relationship of the Area Inclusion Officer with the SEN teams, and commissioned providers (including STLS) and the link to the Area Education Officer is shown diagrammatically in **Appendix 4**.

## 7. Public Consultation

- 7.1 The consultation ran for five weeks from 3 November 2021 until 7 December 2021.
- 7.2 The consultation proposals sought views on the future delivery of the STLS provision on the following areas:
- A. **STLS Structures** – whether to continue with the 12 District arrangements or align to four Areas.
  - B. **Access to Specialist Advice, Support and Interventions** – through a tiered approach formalising what is already in existence in some areas and expanding across the county (dimension led drop-in clinics, district local inclusion forum team meetings, intensive specialist support (1:1), link teacher and links to wider locality resources.)
  - C. **Core Training Offer** – consistent offer across the county above the Mainstream Core Standards along with bespoke training where a need cannot be met through the Kent Core Offer.
  - D. **Communication and Engagement** – to be improved to make sure parents/carers are equal partners in decision making and the outcome communicated with parents and school staff in a more-timely manner.
  - E. **Sensory STLS and Physical Disability (PD) STLS** – currently managed by the Valence School in Sevenoaks, the proposal is to bring back in-house to strengthen multi-agency working and better alignment with the SEN teams.
- 7.3 To take part in the consultation people were directed to visit the KCC consultation webpage <https://letstalk.kent.gov.uk/stls> to complete the online questionnaire, or alternatively to use the postal route for those who may not have access to the internet. The consultation was widely published using different channels, including: direct emails to key stakeholders, Kent Association of Headteacher Chair communication to Headteachers, SEND e-bulletin, Headteacher briefing meetings and social media posts. Furthermore, KENT PACT and National Deaf Children's Society and the Sensory STLS Lead Co-ordinators supported further awareness raising of the consultation with families of children and young people with SEND in Kent.

- 7.4 To support the online consultation, a range of Question and Answer sessions were arranged to compliment the formal consultation responses. These included four sessions for the STLS teams, two of which were in person and two virtual, and two further virtual sessions for anyone who wished to attend.
- 7.5 Aside from the formal consultation and scheduled Question and Answer sessions, further feedback has been received via a dedicated mailbox: [stls@kent.gov.uk](mailto:stls@kent.gov.uk).
- 7.6 There has been a high level of response and engagement with the STLS Redesign consultation, with 557 completed questionnaires, of which:
- 462 were completed online
  - 95 hard copies were delivered in person at the County Hall on behalf of Meadowfield Special School in Swale.
- 7.7 The largest proportion of responses were made by education professionals (77%), of which 37% were from Mainstream Primary Schools, 34% from Special Schools, 11% Early Years, 5% Mainstream Secondary Schools. Further 11% of respondents selected 'other', majority of which (70%) were recorded as 'STLS'.
- 7.8 Full analysis of the STLS Redesign consultation feedback can be accessed via KCC's *Let's talk Kent* online consultation webpage: <https://letstalk.kent.gov.uk/stls>

## **8. Interdependencies**

- 8.1 The SEND Strategy and the CATIE frame the developments and interdependencies of this consultation with a further review expected on the distribution of High Needs Funding (HNF) to support children with SEND in mainstream settings and schools.
- 8.2 The HNF review is subject to a separate consultation, the outcome of which could impact the delivery of the STLS, as part of the overall available support to improve access and inclusion of children and young people with SEND in mainstream educational settings. To accommodate any changes that may be necessitated later, flexibility will be built into future STLS SLAs to ensure a joined-up approach.
- 8.3 The Countywide Approach to Inclusive Education, the High Needs Funding review and the STLS review provide the opportunity to consider the whole system and to allocate resources and support where they can have the greatest impact.

## **9. Financial Implications**

- 9.1 The STLS budget is funded from the High Needs Block of the Dedicated Schools Grant. This is a ring-fenced grant from the Department of Education. This grant is significantly overspent with a projected shortfall in funding of £42m in 2020-21 and when added to the previous shortfalls brings the total

deficit to £103m. Further background to this position was discussed at CYPE Cabinet Committee on 11 January 2022.

- 9.2 The current budget for the STLS is £8.5m per annum, consisting of £5.7m for Core STLS, £2.5m for Outreach and £300K Pension.

<b><u>STLS Budget v Forecast 2021/2022</u></b>				
Budget 2021/22	District STLS	PD STLS	Sensory STLS	Total Budget
Core funding	£3,482,036	£325,200	£1,894,637	£5,701,873
Outreach funding	£2,400,000	£100,000	£0	£2,500,000
Pension funding				£333,063
<b>Total Budget</b>	<b>£5,882,036</b>	<b>£425,200</b>	<b>£1,894,637</b>	<b>£8,534,936</b>

- 9.3 The STLS budget has not significantly changed since devolved in 2012. Some districts have seen a decrease in staffing to operate within the allocated budgets, whilst others have relied on other sources of income (such as funding bids, chargeable training or traded services with other local authorities) to deliver the service.
- 9.4 Over 90% of the STLS district budget is spent on direct staffing costs.
- 9.5 SLA holding Special Schools have taken different approaches to charging of overhead related activities of managing this service. It is recognised the approach will need to be addressed in the new SLAs.
- 9.6 The distribution of STLS resource/budget across the county will need to be considered in terms of level of demand for the service. A fair and equitable formulae could help to support this review by taking account of key factors that determine the expected level of demand on the service, for example deprivation, free school meals, number of SEN pupils and number of EHCPs. This will be considered during the development of the SLA including appropriate timescales for any proposed changes. Annual financial reviews will need to be conducted to assess continuing sustainability and value for money.
- 9.7 The proposals include plans for a comprehensive countywide programme of continuous professional development to maintain the level of specialism and expertise of the practitioners that will enable capacity building and sustainability. This will be scoped outside of the STLS redesign as part the Local Authority's organisational development of the SEN service.
- 9.8 This is a substantial financial commitment to be made against a budget that is significantly overspent. Therefore, the performance of this service, in conjunction with other services designed to support SEN inclusion in mainstream settings and schools, will need to be carefully monitored. This will ensure sufficient progress is being made towards the target that in Kent the proportion of children with SEN supported in each provision type reflects national averages. The SLAs will need to allow for the refocus/change in level

of resources where required along with being able to respond to any further budgetary constraints. This also means that there will not be any automatic inflationary uplift applied over the period of the SLA which over time would result in a diminution of available resources where efficiencies could not be made elsewhere.

## **10. Legal implications**

- 10.1 The Specialist Teaching and Learning Service operates within a framework of national legislation and local strategies and standards. The Sensory STLS is the only element of the Specialist Teaching and Learning Service which has a statutory role.
- 10.2 The Children and Families Act 2014<sup>7</sup> and SEND Code of Practice 2015<sup>8</sup> set out the responsibility to improve services, life chances and choices for vulnerable children and to support families. The Act states that “where a pupil continues to make less than expected progress, despite evidence-based support and interventions that are matched to the pupil’s area of need, the school should consider involving specialists.”
- 10.3 Under Section 10 of the Children Act 2004 and Section 75 of the National Health Service Act 2006 local authorities and CCGs have a statutory duty to consider the extent to which children and young people’s needs could be met more effectively through integrating services and aligning or pooling budgets in order to offer greater value for money, improve outcomes and/or better integrate services for children and young people with SEND.
- 10.4 Schools have a range of duties under the Equalities Act 2010, including duties relating to disability.
- 10.5 TUPE (Transfer of Undertakings Protection of Employment) regulations protect employees’ rights when they transfer to a new employer. TUPE is a key consideration if the decision is taken to bring any element of the STLS provision back in house. This process will need to be planned and resourced to ensure the local authority will meet its legal obligations and minimise the disruption to service delivery.

## **11. Equalities implications**

- 11.1 An Equality Impact Assessment (EQIA) screening has been completed. It identified a low adverse equality impact rating. The EQIA is a dynamic document and will be updated following the Cabinet Member decision, accordingly.

## **12. Other corporate implications**

- 12.1 This service falls within the responsibility of the Special Educational Needs Division within the Children, Young People and Education Directorate.

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<sup>7</sup> [https://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga\\_20140006\\_en.pdf](https://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf)

<sup>8</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

### **13. Governance**

- 13.1 Overall budget and responsibility of the STLS sits within the Children, Young People and Education Directorate, with accountability with Mark Walker, Director of Special Educational Needs and Disabled Children and Young People.

### **14. Consultation options and recommendations:**

- 14.1 In developing the recommendations, consideration has been made to the changing landscape of SEND provision as set out in the CATIE, the planned organisational redesign of the SEN teams and the budgetary constraints of the High Needs Block of the Dedicated Schools Grant.
- 14.2 A phased approach is recommended to accommodate all the above variables and potential changes arising from the update to the SEN Code of Practice, and the review of how High Needs Funding is used to support both individual and groups of children with SEN in mainstream schools. This will ensure what STLS are providing and how they are operating continues to align with the local authority's overall vision to inclusion.
- 14.3 Through robust monitoring and management of a consistent, targeted and strategically aligned service, the local authority will be able to assess the impact of the provision, alongside the wider inclusion activities, in managing the demand for EHCPs, reducing the proportion of children being placed in special schools, and limiting our spend on independent sector placements. This approach would allow incremental changes in the light of changing demands, the amended Code of Practice, and other SEND strategic work.
- 14.4 The following recommendations take into consideration the formal responses to the consultation, the feedback from stakeholders, the interdependencies with the wider SEN redesign and the forthcoming High Needs Funding review and Locality Based Resources consultation:

#### **A. Structure of STLS**

##### Proposal

- Option 1 - The STLS District level offer to continue to be aligned with and managed by 12 Special Schools operating in Kent's 12 Districts (District model)
- Option 2 - The STLS District level offer to be aligned with and managed by four Special Schools across Kent in North, South, East and West (Area model)

##### Summary of consultation feedback

- Overwhelming support (76%) for the District model (option 1), particularly when combined with the added benefits of the Area Inclusion Officer role in driving greater oversight, consistency and accountability.

##### Recommendation

- To proceed with option 1 to in continuing to deliver the service via 12 Special Schools across Kent (District model)
- To extend the existing SLAs from April to August 2022
- Grant new three-year flexible SLAs from September 2022 to include the recommendations outlined in sections B, C & D
- The new SLAs to align with key milestones (High Needs Funding Review consultation and SEN Redesign) with annual opportunities to modify the SLAs, accordingly
- The SLAs to be co-produced with KSENT and LIFT Executives to ensure alignment of services and funding, and to maintain high quality provision as wider elements of the SEND landscape are developed over the length of the SLAs. **A draft SLA is appended as a separate document.**
- The budget for the first year will be based on existing levels for core and outreach. The budget will be subject to annual review and adjustment, based on outcome of the interdependencies outlined and the need to distribute resources equitably across the county.

## **B. Access to Specialist Advice, Support and Interventions**

### Proposal

- Drop-in Clinics - to provide targeted and specialist information and advice to school/setting staff on individual cases or cohort of individuals
- Local Inclusion Forum Team (LIFT) meetings - with emphasis on LIFT meetings to be solution focussed and represent multi-agency practitioners providing specialist advice and support to settings and schools with follow up actions to ensure implementation
- Intensive Specialist Support - time-limited, intensive specialist support, working directly with school/setting staff in planning and directly demonstrating targeted support where a child or young person's placement is at risk of breakdown. The emphasis is on building capacity and sustainability in the setting/school to offer specific interventions.
- Allocation of Link Teacher - allocation of a named Specialist Teacher to support whole school level SEND planning and provision

### Summary of consultation feedback

- Over 72% of respondents either agreed or strongly agreed with the proposed tiered access to specialist advice, support and interventions.

### Recommendation

- Incorporate the proposals in the new SLAs from September 2022, with built in timeframe to mitigate any unintended consequences

## **C. Core Training Offer**

### Proposal

- Focus mainly on the Targeted and Specialist level training.
- Access to chargeable bespoke training, where a need is identified which cannot be met through the existing training offer available in Kent,
- Incorporate the voice of parents/carers in identifying gaps, quality and consistency of the training offer for parents/carers.
- Specialist Teachers to have, or work towards obtaining, relevant qualifications in an area of SEND, as part of their Continuous Professional Development (CPD)

#### Summary of consultation feedback

- 68% of respondents either agreed or strongly agreed with the proposal that the SLS core training should be at the targeted and specialist levels.

#### Recommendation

- Incorporate the proposals in the new SLAs from September 2022, with built in timeframe to mitigate any unintended consequences
- The STLS core offer developed in line with the Kent Directory of resources
- Allow 18 months overlap from September 2022 to gradually transition from the current training offer to the new model
- Specialist Teachers to have, or work towards obtaining, relevant qualifications in an area of SEND, as part of their Continuous Professional Development

### **D. Communication and Engagement**

#### Proposal

- Links to other innovative solutions that promote best practice in working with parents and carers.
- Incorporate feedback from parents/ carers and young people in service evaluation, improvement and identification of gaps.
- Signposting to other services supporting parents/carers

#### Recommendation

- Incorporate all proposals in the new SLAs from September 2022
- Develop mechanism to include parent/ carer representation on the LIFT Executive Boards
- Close liaison with Kent PACT to build closer relationships with parents/ carers as part of ongoing formal and informal arrangements

### **E. County Services: PD and Sensory STLS**

#### Proposal

- To realign the Sensory STLS and Physical Disability STLS to be centrally managed by Kent County Council
- To maintain the County Professional Leads for their specialism and countywide quality assurance and line management of the existing staff.



- Development of a new programme of Continued Professional Development for PD STLS Specialist Teachers to be gradually rolled out over the course of the new Service Level Agreement. The Sensory STLS Team to continue to follow the mandatory qualifications for specialist teachers of pupils with hearing impairment, vision impairment or multi-sensory impairment.
- To support closer alignment with the Kent Supported Employment Service, Adult Social Care Sensory Service, Kent and Medway Communication and Assistive Technology Service (KMCAT) and the Disabled Children and Young People's Occupational Therapy Service to ensure consistent and co-ordinated support in preparing young people with sensory and physical disabilities for the world beyond education, and independent living.
- To consider as part of the co-design of the new operating model how Habilitation Service, currently provided by Kent Association for the Blind, best aligns to ensure a joined-up offer of support for children and young people with visual impairments.

### Rationale for the proposals

- Children and young people with sensory impairments, physical disabilities and/or long-term complex health conditions are a low incidence cohort who depend on the highly specialised support of qualified teachers to access the curriculum and progress in their education.
- The Sensory and PD STLS would benefit from a single robust governance and management structure due to its specialist nature, the dispersed low incidence and highly variable needs of this cohort of children and young people, and the close interdependencies and support pathways with other specialist teams within the local authority. A single holistic pathway will enable effective oversight, consistent processes of quality assurance and service improvement across the entire system.
- Central management by the council and maintenance of the specialist Professional Leads will enable effective governance and clear accountability, whilst maintaining existing staffing structures.
- Central management of the Sensory STLS by the Council is in line with the Sensory STLS' statutory role and the local authority's statutory function.
- Being part of the KCC structure, the County Professional Leads will be part of the local authority's governance structures with other senior leaders to support, steer and decision-making on a systemwide basis. This integrated model will ensure the adjustments, technology and active support that is needed is considered as part of a holistic network of support.
- Under the local authority, these services will be operational throughout the year.

### Other Considerations

- The transfer of STLS Sensory and PD teams will involve TUPE consideration. The transfer of staff from one management structure to another will involve some disruption to the service. This will have to be carefully planned to minimise disruption and mitigate as far as possible any adverse impact on delivery
- STLS Sensory and PD teams must be fully involved in the design of a new operating model, bringing their expertise to support KCC colleagues in developing a new holistic offer, that builds on current aspects of best practice.

- There are practical considerations in terms of where staff will be based, equipment, storage of files and specialist equipment, development of new processes and IT structures and the legal and technical considerations to transfer the highly rated STLS Sensory and PD websites onto the KCC platform.
- The development of a PD specific Continued Professional Development will have to be considered as part of the systemwide CPD programme, which is currently under discussion and development.

### Recommendation

- There has been a mixed response regarding the realignment of the Sensory and PD STLS to be managed by Kent County Council. Whilst the feedback from the service has overwhelmingly opposed the proposals to be centrally managed by Kent County Council, the responses from the wider stakeholder groups have been more closely aligned
- The recommendation for the Sensory STLS and PD STLS therefore reflect the range of responses to:
  - Extend the existing SLAs for 17 months commencing April 2022, with the intention to work through the consultation responses to plan and manage the next steps to create a fully integrated inhouse provision.
  - The Kent Association of the Blind Habilitation Service Grant to be extended in line with the Sensory STLS provision, with a full review of the service in the interim period.

## **15. Conclusions**

- 15.1 A key feature of the redesign is to raise the voice of people with relevant lived experience to shape and influence strategic decisions about this service and about inclusive practices in mainstream education. This approach will nurture trusting, collaborative, ongoing working relationships so people with lived experience can play an active role in designing the support and resources available and ensuring that what is being offered is clear, empowering, and outcomes focussed.
- 15.2 The STLS is one of the cornerstones of inclusive practice in Kent, supporting Early Years settings and schools in a positive way to build their capacity and confidence.
- 15.3 There are key milestones with significant changes that may impact the delivery of the district based STLS provision in the next two years (Changes to the SEND Code of Practice, SEND Organisational Design, HNF review, embedding of newly commissioned inclusion services). The proposal for three-year flexible SLAs will allow flexibility to respond to the changing environment. These will need to be co-produced with the SLA holding schools, KSENT and LIFT Executives at every step change to maintain joined up working, optimum use of resources and achieving better outcomes. The SLAs will be subject to ongoing performance monitoring and annual financial audit.
- 15.4 There are synergies to realigning the countywide STLS Sensory and PD services with the local authority. There are key practical considerations that

will take longer to manage. An extension to the existing SLAs will allow reflection on feedback received through the consultation, and consideration of the broader influencing factors.

15.5 The Schools Funding Forum broadly supported these proposals with the following considerations:

- Length of SLA and future direction of the service.
- Remaining within the fixed funding envelope of £8.5m, subject to resolution of overspends. The service has not had an uplift in 10 years therefore continuing with this approach is seen as a real term cut. Future review of service to assess whether further investment would be beneficial.
- Contract management of the service through clear KPIs to assess impact of the service, including linking of parental satisfaction, interventions and outcomes achieved.

15.6 This report was due to be presented to the CYPE Cabinet Committee on 11 January 2022. In place of that item, and in recognition of the high number of representations made to the Chairman, the item was deferred to 1 March 2022. The Chairman requested that Members of the Committee submit their questions to be answered. The question received and the response is as follows:

*There is an issue with the existing teaching staff who are on Teacher's Pay and Conditions that Members would like resolved. We do not want to lose those individuals to a KCC employed contract with the change in pay and conditions.*

**Response:**

The proposal and recommendation is to bring the Sensory and PD STLS services in-house following a 17-month SLA with the intention to work through the consultation responses to plan and manage the next steps to create a fully integrated in-house provision.

KCC acknowledges the professional skills and experience the staff working in these services have and where TUPE applies for any transfer of employment, the regulations provide protection that the same terms and conditions would apply at the point of transfer.

**Recommendation(s):**

The Cabinet Member for Integrated Children's Services is asked to agree the proposed decision to:

1. Extend the existing STLS district Service Level Agreements (SLAs) for five months (April to August 2022, inclusive), and new flexible three-year SLAs for implementation from September 2022.
2. Improve strategic governance and monitoring of the SLAs as part of the wider Children and Young People Outcomes Framework knitting together the SEND Strategy, the priorities set out in the Countywide Approach to Inclusive Education (CATIE) and the STLS Key

Performance Indicators.

3. Implement proposals for a consistent countywide tiered model of access to specialist advice, support and interventions from September 2022, including: drop-in clinics, solution focussed Local Inclusion Forum Team (LIFT) Meetings, Intensive Specialist Support to model specialist interventions and strategies, and allocation of a named Link Teacher to settings and schools, as a single point of contact.
4. Implement proposals for STLS to focus on targeted and specialist level training. This work to be linked to the development of the Kent Directory of Resources.
5. Offer the opportunity for chargeable bespoke training where a need is identified which cannot be met through the existing Kent training offer
6. Improve outcomes for children and young people with SEND by ensuring that all Specialist Teachers have access to an equitable programme of Continuous Professional Development (CPD), and that they have or be willing to work towards accredited qualifications in an area of SEND or membership of relevant national professional bodies.
7. Incorporate the voice of parents/carers as equal partners in design, development and monitoring of specialist training for parents/carers of children and young people with SEND, as well as involving them in service design, identification of gaps, evaluation and improvement.
8. Ensure greater transparency and accountability as part of annual financial audit to ensure resources are targeted and outcome driven.
9. Extend the Physical Disability and Sensory SLAs for 17 months commencing April 2022, with the intention to work through the consultation responses to plan and manage the next steps to create a fully integrated inhouse provision.
10. The Kent Association of the Blind Habilitation Service Grant to be extended in line with the Sensory STLS provision, with a review of the service in the interim period.
11. Delegate authority for the Corporate Director Children, Young People and Education in consultation with the Cabinet Member to implement the Decision.

## 16. Background Documents

16.1 The documents listed below can be used to gain a better understanding of the context in which this service operates.

- [STLS Prospectus 2012](#)
- [SEN Mainstream Core Standards 2021](#)
- [Best Practice Guidance for the Early Years](#)
- [Kent SEND Strategy 2021 - 2024](#)
- [Kent Inclusion Statement](#)
- [Commissioning Plan for Education Provision in Kent 2020 to 2024](#)
- [SEND Local Offer](#)
- [Written Statement of Action](#)

- Link to Consultation Documents:

[Specialist Teaching and Learning Service Redesign | Let's talk Kent](#)

## 17. Contact details

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