

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:

Rory Love,

Cabinet Member for Education and Skills

DECISION NO:

23/00128

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) result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or
- b) 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.

Subject Matter / Title of Decision

Specialist Resource Provision Contracts & Service Level Agreements (SLAs)

Decision:

As Cabinet Member for Education and Skills, I agree to:

- a) Enter into and seal the contracts and service level agreements (SLA) that have been issued to mainstream primary and secondary schools to provide Specialist Resource Provisions (SRPs) for a period for three academic years from 1st September 2023 to 31st August 2026;
- b) Authorise the Director for Education and Special Educational Needs to enter into and seal these contracts and SLAs on behalf of Kent County Council; and
- c) Authorise the Director for Education and Special Educational Needs to be the nominated Local Authority Representative within the relevant agreements and to enter into variations as envisaged under any of these contracts and SLAs.

Reason(s) for decision:

1.1 Contracts and SLAs have been in place for all SRP holding schools in Kent for a significant number of years. The purpose of the contracts and SLAs is to ensure that pupils with SEN receive an excellent education in an inclusive environment and are able to access specialist facilities and/or expertise which enables them to make progress. The previous contracts and SLAs that were in place expired during the previous academic year.

1.2 A review of the standard SRP contract and SLA was carried out from January 2023 through to April 2023. The aim was to strengthen the governance arrangements and to ensure consistency between the two documents. The following was in scope of the review:

- The SRP service specification.
- The reporting, monitoring and governance process for SRPs. This refers to the processes for the schools/trusts under the new SLA/contract and internally within KCC in terms of performance monitoring.

1.3 SRPs are established in mainstream primary and secondary schools, these can be either Local Authority maintained schools or schools that are part of an academy trust. In Kent there are 74 SRPs which are provided across 65 schools, of which 41 are primary schools and 24 are secondary schools. SRPs in Kent have the following designations (it is important to note that a school can provide more than one SRP and thus have multiple designations):

- Autistic Spectrum Condition (ASC)
- Speech, Language and Communication Needs (SLCN)
- Hearing Impairment (HI)
- Visual Impairment (VI)
- Physical Disability (PD)
- Cognition and Learning (C&L)
- Profound, Severe and Complex Needs (PSCN)
- Specific Learning Difficulties (SpLD)

1.4 When the need for a new SRP is identified the Council will consult with the relevant district(s). Once a school has been identified to provide a new SRP there is a statutory process that must be followed, this process varies slightly for LA maintained schools and schools that are part of an academy trust. LA Officers work with the identified schools or trust to establish the new SRP.

1.5 New SRPs have been, and will continue to be, established as per the statutory process and will be agreed in consultation with the Cabinet Committee. Following the conclusion of the statutory process, consultation and agreement from the Cabinet Committee the Director for Education and SEND, on behalf of the local authority, enters into either a contract (where the school is part of an academy trust) or an SLA (where the school is an LA maintained school) with the SRP holding school.

1.6 A review of SRPs was carried out from January 2023 to April 2023, this review was focussed on the previous contract and SLA. The review aimed to ensure consistency across both agreements and to strengthen the monitoring and governance arrangements. The review was carried out in partnership with a representative selection of Headteachers from schools who currently provide an SRP.

1.7 The proposed contracts and SLAs would have a contract period to 31 August 2026. These have been issued to all SRP holding schools pending the Authority's decision to enter in to these. The ongoing costs for SRPs under the contracts and SLAs are for the provision of places, there is an annual commissioning process whereby the number of places per SRP are agreed.

Financial Implications

2.1 The number of places that are commissioned in each SRP are agreed annually, therefore, the annual cost of SRP places is subject to variation. The total cost of commissioned places may also change each year due to new SRPs being established or where additional places in SRPs are spot purchased resulting in an overall increase in places.

2.2 SRP places are funded in accordance with the relevant guidance (for example High Needs Funding Arrangements 2024 - 2025) from the Department for Education (DfE) which are subject to change. Kent County Council produce annual School Budget Guidance each financial year which sets out how SRP places are funded by the Local Authority.

2.3 The total cost of an SRP place is broken down into three elements (1,2 & 3), these are defined in the current KCC School Budget Guidance 2023 – 2024 :

- Element 1 (E1): This is also known as 'Core Education Funding' and is calculated within the mainstream funding formula. The school receives this funding as part of their standard mainstream school budget regardless of whether the pupil accesses an SRP place or not. Where a SRP place is vacant at the time of the annual school census, the Local Authority will provide the school with the

equivalent per pupil funding.

- Element 2 (E2): This is also known as 'Additional Support Funding' and is paid to the school for the number of agreed commissioned places for the academic year. This element is valued at £6,000 per place, as per DfE guidance.
- Element 3 (E3): This is the SRP need type top-up funding and is only paid for actual pupils who are on roll at the SRP. This funding will follow the pupil and is paid on a monthly basis.

2.4 The value of E3 varies annually and is consulted with the Schools Funding Forum and agreed through a key decision by the Cabinet Member for Education & Skills in December/January of the preceding year.

2.5 The total cost (inclusive of elements 1,2 & 3) of SRP places for the current academic year (23/24) is approximately £26.2m. The estimated value of the current number of commissioned SRP places over the 3-year contract period is £78.6m. The estimated value of the three-year contract/SLA is subject to variation due to the annual commissioning cycle, element 3 uplift and the establishment of any new SRPs (resulting in more places becoming available, or closure where SRPs are no longer required). The cost of SRPs is fully funded from the ring-fenced DfE grant known as the Dedicated Schools Grant: High Needs Block.

3. Legal implications

3.1 Initial drafts of the updated SRP contract and SLA were reviewed by external legal advisors who provided the advice required and finalised both documents.

4. Equalities implications

4.1 The Review of the SRPs was set up as a project under the Council's wider SEND Transformation Programme and forms part of the ongoing work under the Safety Valve. An EQIA has been completed for this programme which concluded that there is no potential for discrimination and all appropriate measures have been taken to advance equality and foster good relations between the protected groups.

Cabinet Committee recommendations and other consultation:

The Children's and Young People Cabinet Committee considered the decision on 16 January 2024

Any alternatives considered and rejected:

The alternative to putting a new contract/SLA in place is to proceed without one. Legally, existing SRPs are part of the mainstream schools that host them, and their funding is covered by the LA's approved funding arrangements. These provisions can continue. New provisions can be created, via the process set out above. However, this option has been rejected. The purpose and value of the contract/SLA is to set out clear expectations, and secure robust monitoring and accountability mechanisms. These are important aspects of the LA's work, and essential in our SEND improvement journey.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer: None



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signed

06/02/2024

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date