

From: Sarah Hammond, Corporate Director of Children, Young People and Education
To: Rory Love, Cabinet Member for Education and Skills
Decision: 23-00128 Specialist Resource Provision Contracts & Service Level Agreements (SLAs)

Key decision - *It involves expenditure or savings of maximum £1m.*

Classification: **Unrestricted**

Past Pathway of report: Children's, Young People and Education Cabinet Committee – 16 January 2024

Future Pathway of report: Cabinet Member Decision

Electoral Division: All

Summary: This report sets out how places in Specialist Resource Provisions (SRPs) are commissioned on an annual basis, the funding mechanisms that are in place and how decisions regarding SRPs are made. The report provides an overview of the updated SRP Contract and SLA.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Education and Skills on the proposed decision to:

- a) Agree to enter into and seal contracts and service level agreements (SLA) with mainstream primary and secondary schools to provide Specialist Resource Provisions (SRPs) for the period 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,
- 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.

1. Introduction

1.1 In Kent a Specialist Resource Provision (SRP) is defined as 'places that are reserved at a mainstream school for pupils with Special Educational Needs (SEN), who are included within the mainstream school and activities, but require a base and/or some specialist facilities'. Resourced provisions:

- Have an SRP Lead Teacher with specialist qualification(s) overseeing the provision;
- Are commissioned specifically for making this kind of SEN provision;
- Cater for pupils who have SEN with an Education Health and Care (EHC) Plan who may not make progress without specialist facilities and/or expertise;
- Should support pupils with SEN support and EHC Plans through delivering inreach and/or outreach activities.

- 1.2 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.
- 1.3 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.
- 1.4 Legal advisors were commissioned to provide advice and update the contract and SLA. Following finalisation of these documents, in line with the legal advice provided, the updated contract and SLA were issued to all SRP holding schools from September 2023 through to December 2023. The updated proposed contract and SLA cover the period to 30 August 2026.
- 1.5 This report provides an overview of the key processes and decisions relating to SRPs. This will include the establishment of new SRPs; funding arrangements; place commissioning and decision making. It will request authority be delegated to the Director for Education and SEN to enter into contracts and SLAs with the schools delivering SRPs.

2. Body of the report

- 2.1 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)
- 2.2 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.

- 2.3 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.
- 2.4 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.
- 2.5 Following the conclusion of the review updated contracts and SLAs were produced, the key changes made are summarised below:
- Removed reference to the % of time that children and young people are expected to be educated in the mainstream school as opposed to the resource base. There is no longer a minimum or a maximum time requirement, this will now be based on professional judgement.
 - There will no longer be any SRP steering groups, these will be replaced by monitoring visits carried out by the SEN Inclusion Advisors.
 - There is no change to current funding arrangements, however, there is ongoing work in relation to High Needs Funding which means this may change in the future.
 - Electronic reporting will be established for SRP holding schools. The data from the reports submitted by schools will contribute to an annual strategic county wide education report.
 - Reporting and monitoring have been aligned to the school improvement cycle (School Improvement Plan & Self Evaluation Form).
 - The SEND Governor/Trustee is expected to include the SRP in their standard monitoring visits. The SEND Toolkit for Governors¹ has been updated and is now available.
- 2.6 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.
- 2.7 The number of places to be commissioned at each SRP are agreed in the autumn term. During this term the SEND Support and Inclusion Manager (School age & Post-16) meets with each SRP holding school to identify and discuss the number of places to be commissioned in the following academic year. The proposed commissioned numbers are submitted to the Assistant Director for SEND for approval. Once approved the Finance team submit these to the Department for Education (DfE). The commissioned numbers are also included in the annual Commissioning Plan for Education Provision in Kent²

¹ [SEND Toolkit for Governors 2023 by theeducationpeople7 - Issuu](#)

² [Commissioning Plan for Education Provision - Kent County Council](#)

which is subject to a Key Decision in January each year and the SEND Sufficiency Plan.

3. Financial Implications

- 3.1 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.
- 3.2 SRP places are funded in accordance with the relevant guidance (for example High Needs Funding Arrangements 2024 - 2025³) from the Department for Education (DfE) which are subject to change. Kent County Council produce annual School Budget Guidance⁴ each financial year which sets out how SRP places are funded by the Local Authority.
- 3.3 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 – 2024⁵:
- 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.
- 3.4 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.
- 3.5 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 [High needs funding: 2024 to 2025 operational guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1150517/2023-24-School-Budget-Guidance.docx)

⁴ https://www.kelsi.org.uk/__data/assets/word_doc/0019/150517/2023-24-School-Budget-Guidance.docx

⁵ https://www.kelsi.org.uk/__data/assets/word_doc/0019/150517/2023-24-School-Budget-Guidance.docx

4. Legal implications

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

5. Equalities implications

- 5.1 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.

6. Risk and Other Factors

- 6.1 Kent entered into a Safety Valve agreement⁶ with the DfE in May 2023. Under this agreement Kent is required to reach an in-year balance on their DSG by the end of the financial year 2027-28 and sustain this in each subsequent year thereafter. The Review of SRPs is specifically mentioned within Kent's Safety Valve Agreement amongst the identified actions. The place funding for SRPs is carried out in line with statutory guidance from the DfE, however, the contract in addition to this enables more robust governance and monitoring arrangements to be put into place between KCC and SRP holding schools. This will enable improved monitoring and oversight of SRPs and ensuring good outcomes and value for money.
- 6.2 Kent was issued an Improvement Notice⁷ following the two Ofsted Visits in 2019, which identified 9 areas of significant weaknesses, and 2022, which determined that no significant progress had been made in addressing any of the areas of weakness previously identified. Following the issue of the improvement Kent was required to develop a rapid improvement plan, called an Accelerated Progress Plan⁸ (APP) which was agreed with the DfE and published in August 2023. The Review of SRPs, specifically the strengthening of governance arrangements and more robust contract management, contributes towards areas 2 (A variable quality of provision and commitment to inclusion in schools, and the lack of willingness of some schools to accommodate children and young people with SEND) and 5 (Poor standards achieved, and progress made, by too many children and young people with SEND).
- 6.3 The contract and SLA are supportive of the strategic objectives of Framing Kent's Future⁹, specifically Priority 4 New Models of Care and Support. Specialist Resource Provisions (SRPs) in Kent enable some pupils with an EHC Plan to thrive in a mainstream school, who without this support may not make good progress. Places within an SRP are reserved for making this type of provision available. This means that where some specialist support is required there is more choice and proximity of suitable provision.

⁶ [Dedicated Schools Grant 'Safety Valve' Agreement: Kent 2022-2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144443/dedicated-schools-grant-safety-valve-agreement-kent-2022-2023.pdf)

⁷ [SEND Improvement notice to Kent County Council \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144443/safety-valve-improvement-notice-kent-county-council.pdf)

⁸ [Kent Local Area - Accelerated Progress Plan](https://www.kent.gov.uk/media/1144443/kent-local-area-accelerated-progress-plan.pdf)

⁹ [Framing Kent's Future - Kent County Council](https://www.kent.gov.uk/media/1144443/framing-kent-s-future.pdf)

6.4 Entering into a contract or SLA with SRP holding schools is supportive of the direction set out in Securing Kent's Future¹⁰ which includes prioritising objective 4 within Framing Kent's Future, New Models of Care and Support (see point 6.3). The contract and SLA will enable the Local Authority to ensure that the Best Value duty is applied and to secure value for money. The review of the existing SRP contract and SLA supports objective 2 (Delivering savings from identified opportunity areas to set a sustainably 2024/25 budget and MTFP) of Securing Kent's Future which includes contract reviews. The previous contract and SLA were reviewed to ensure that going forwards, the arrangements fully provide best value to Kent resident children and young people through strengthened monitoring and governance arrangements.

7. Governance

7.1 It is proposed the authority to enter into the contracts and SLAs is delegated to the Director for Education and SEND. When a new SRP is established, following completion of the statutory process and Key Decision, the Director for Education and SEND will enter into a new contract or SLA from the date of establishment to August 2026.

7.2 The performance of SRPs, under the updated contract and SLA, will be monitored via bi-annual data returns from SRP holding schools and monitoring visits. This data is to be collated over the academic year and will be reviewed on an annual basis by the Education and SEND Senior Management Team.

8. Alternatives considered

8.1 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.

9. Conclusions

9.1 Entering into the proposed revised contracts and SLAs will enable improved and strengthened monitoring and governance arrangements to be put into place with these schools. This will enable KCC to monitor the impact of SRPs to ensure good outcomes for children and young people with SEND and to inform future strategic developments regarding this type of provision.

10. Recommendation(s):

The Cabinet Member for Education and Skills is asked to agree the proposed decision to:

a) Agree to enter into and seal contracts and service level agreements (SLA) with mainstream primary and secondary schools to provide Specialist Resource Provisions (SRPs) for the period to 31st August 2026;

¹⁰ [Securing Kents Future - Cabinet report.pdf](#)

- 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
- 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.

11. Background Documents

11.1 Appendix A: Full List of Established Kent SRPs (as of 07.12.2023)

11.2 Appendix B: SEND Transformation Programme Equality Impact Assessment

12. Contact details

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