

**SERVICE LEVEL AGREEMENT
2016-2019**

**FOR SPECIAL EDUCATIONAL NEEDS RESOURCED PROVISION
IN MAINSTREAM SCHOOLS**

Made the April 2018

BETWEEN

- (1) **THE KENT COUNTY COUNCIL** of County Hall, Maidstone, Kent ME14 1XQ (“**KCC**”); and
- (2) **The Governing Body, or Board of Trustees of**
******* (“the Provider”)**

DEFINITIONS AND INTERPRETATION IN THIS AGREEMENT

Agreement: This Agreement and its attached Schedules, as executed by the Parties

Approved Base: teaching areas which meet KCCs Health & Safety requirements

CCG: Clinical Commissioning Group; Commissioner of NHS Service

Code of Practice: The SEN Code of Practice issued by the Secretary of State

Data Protection: the Data Protection Act 1998 (**DPA**), and all related regulations

DBS: Disclosure and Barring Service

Delegated Budget: funding from KCC and/or the Education Funding Agency to the governing body for the purpose of providing education service to its students.

EHC Plans: Education, Health & Care Plans introduced as a successor for Statements

Key Personnel: provider staff identified Schedule 3 to ensure the SLA is delivered

KPIs: Key performance indicators set out in this agreement at schedule 2

LA: Local Authority

NEED TYPE: The designated category the provision is intended to cater for

QTOD/QTVI : Qualified teacher of the deaf/Visual Impairment; Mandatory qualifications

SEN: Abbreviation of Special Educational Needs, as defined in Education Act 1996

SLA: Service Level Agreement

Specialist: where the equipment or support provided is greater than normally found in mainstream schools as part of their additional and different SEN provision

Statement: As defined in Education Act 1996

SEND Strategy: Kent's long term plan to achieve good educational, health and social outcomes through services in the local community and good schools

SRP (or SRBP): Specialist Resourced (**Base**) Provision incorporates an on-site placement for a commissioned number of places and outreach to a wider group of pupils and schools

Interpretation: This SLA does not replace existing duties of KCC or providers in respect of all pupils including those with SEN. Words in the singular shall include the plural and vice versa. Reference to one gender shall include all genders.

A reference to a statute or statutory provision is a reference to it as it is in force for the time being, taking account of any amendment, extension, or re-enactment and includes any subordinate legislation for the time being in force made under it.

THIS SERVICE LEVEL AGREEMENT is made the **day of April 2018**
BETWEEN

- (1) **THE KENT COUNTY COUNCIL** of County Hall, Maidstone, Kent ME14 1XQ (“**KCC**”); and
- (2) **The Governing Body, or Board of Trustees of ***** (“the Provider”)**

Each ‘a party’ and together ‘the parties’ to this Agreement

WHEREAS

- (A) As a local authority, KCC must fulfil statutory duties and responsibilities in relation to pupils subject to EHC Plans (or SEN Statements), ensuring that these are properly discharged by commissioning appropriate and high quality provision.
- (B) This SLA describes the underpinning principles, roles, responsibilities and accountabilities of the parties and it is intended to represent the clear intentions of the parties in relation to the provision, implementation and administration of Specialist Resourced Provision (SRP) for SEN
- (C) In accordance with the terms of this SLA, KCC will delegate funding to the Provider to meet the needs of the named pupils on the roll of the SRP

PURPOSE OF AGREEMENT

The purpose of this agreement is to set out the arrangement to deliver SEN specialist provision in a mainstream setting and enable pupils to make good progress in an inclusive environment by providing the required services in accordance with the specification contained in Schedule 1.

The aims of SRP are to ensure pupils make good progress in their learning, communication and social skills; to reduce any anxieties and inappropriate behaviour which act as a barrier to learning.

The SRP fulfils commitments set out in KCC’s SEND policy to offer inclusive mainstream educational and social opportunities for pupils with specified need type, alongside access to specialist intervention from specialist teaching staff and in class support.

COMMENCEMENT AND DURATION

The SLA takes effect from **April 2018** and shall continue for the term of three years with arrangements for monitoring set out in this SLA.

Either party may seek amendment to this SLA, requesting a review and giving notice of at least 12 weeks which can be waived by agreement. The timescale for implementation of any changes thereafter will be at least 12 weeks to reflect the need for arrangements to transfer pupils to other schools.

KCC may extend this Agreement beyond the Initial Term by a further period or periods of up to a maximum of 3 years giving the Provider written notice then the Term shall be extended by the period set out in the notice.

If KCC does not wish to extend this Agreement beyond the initial duration, this Agreement shall expire on the expiry of the Initial Term.

SERVICE LEVELS

The provider shall deliver the required services in accordance with the specification contained in Schedule 1 and ensuring that its aims and activities are consistent with, and complement, KCC's SEND Strategy, Education Commissioning Plan and Vision and Priorities for Education.

The Provider shall provide records of and management reports summarising the achieved service levels, reporting information set out in schedule 2.

Each party shall appoint the persons named as such in Schedule 3 to be responsible including the successful operation of the Services.

The parties will monitor performance through the steering group discussion and reports as set out in schedule 4.

Service levels which fall short of the required level constitute a default and may result in service of a Default Notice on the Provider by KCC without prejudice to any other rights KCC may have.

ACCOMMODATION

The SRP will require a suitably located teaching area with sufficient physical space for the number of commissioned places which can be used flexibly to provide support e.g. some individual sensory/therapy work and to provide a quiet oasis/time out for pupils when necessary. The quality of internal decoration should be no less favourable than the majority of accommodation accessed by other pupils of the same age in the host school.

FINANCIAL ARRANGEMENTS

In consideration of the provision of the Services by the Provider in accordance with the terms and conditions of this Agreement, KCC shall transfer the Delegated Budget to the Provider and these payments shall be made by the Council in accordance with national funding (Place Plus) guidelines and the Kent School's scheme of delegation. KCC will provide a Budget statement to the Provider Governing Body.

The Provider agrees that they shall be responsible for all costs associated with the provision of educational services. For the avoidance of doubt KCC shall not be responsible for the costs of including suitable premises, amenities, staffing, resources, equipment and books.

Pupils accessing more than 80% of the mainstream timetable without specialist support will no longer count against the SRP places and will be funded through high needs.

The Provider shall ensure that any interest that accrues on funding delegated for the SRP prior to them being fully expended is added to the SRP budget and used solely to contribute to the cost of the SRP. *Prior to admission of pupils, any resources not used for salaries of SRP staff must be used for training and start-up.* The LA reserves the right to claw back delegated funding if there have been substantial variations from the specified provision and staffing levels.

The Provider shall maintain complete and accurate records of, and supporting documentation for, all amounts which may be chargeable to Council pursuant to this Agreement. Such records shall be retained for inspection by the Council for 3 years from the end of the Contract Year to which the records relate.

Number of places and period

The Local Authority (LA) will commission the number of places set out in Schedule 1, for the period September to August. The number of commissioned places will be reviewed by the LA annually in the autumn, to meet EFA timescales for submission. The number of commissioned places can change annually following the review.

Calculation of overall budget and rate per place:

- a) Number of places – multiplied by the High Needs Funding rate per place (dependent on the primary need type of the pupil) plus
- b) Number of places – multiplied by host school/academy, Age Weighted Pupils Unit (AWPU) and notional SEN factors including London Fringe if applicable.

Actual funding paid to Resource Provision

Actual funding paid to school/academy must be compliant with High Needs funding methodology of Place Plus. Place funding – Element 1 (E1) £4,000 plus Element 2 (E2) £6,000 = £10,000. Funding will be guaranteed for the period for xxx places X £10,000, regardless of the number of number pupils in the SRP. Top up funding Element 3 (E3) = the funding rate per pupil = A + B / number of places, less E1 and 2. Top up funding will follow the pupil in real time on a monthly basis.

Where the number of actual pupils exceed commissioned places.

Where the number of actual pupils exceeds the number of places commissioned by the LA in the preceding autumn, funding equivalent to Elements 1,2 and 3 will be allocated for each additional individual pupil and paid monthly whilst the actual numbers exceed the commissioned places.

KEY PERSONNEL

Each party shall appoint the persons named as such in Schedule 3 as the individuals who shall have council to act on behalf of their respective party on the matters for which they are expressed to be responsible including the success of the implementation and/or operation of the Services.

There is no requirement for the staff within the SRP to be whole time employees; other staff from within the school may be identified to carry out some of the work of the provision.

The SRP will have at least one member of staff trained to post graduate level in the designated need type. Where mandatory qualifications are relevant e.g. QTOD/QTVI, the provider agrees that they shall be responsible for ensuring that the staff delivering the service are suitably qualified.

OTHER PERSONNEL USED TO PROVIDE THE SERVICE

To support the Provider in fulfilling Speech & Language therapy provision which must be delivered for pupils in the SRP, KCC in conjunction with the NHS Commissioners (CCG) is undertaking a joint strategic needs assessment using the Balance system © model to ensure the minimum level of Speech & Language Therapy required for direct provision is in place alongside access to relevant workforce development for providers.

Where Speech & Language Therapy and Occupational Therapy specified within individual EHCPs (or Statements) exceeds the level ordinarily available from the local NHS provider, the LA will determine whether commissioning a service or additional delegated funding is needed. This determination will be made having regard to the totality of the resources available to the School and the costs involved in operating the SRP. Additional funding will not be unreasonably withheld.

Any health professional, therapist or psychologist commissioned or directly employed by the provider school must be Health and Care Professions Council (HCPC) compliant. The school is responsible for undertaking and updating relevant checks with the HCPC and for ensuring appropriate and relevant clinical supervision in accordance with the professional standards for any external professionals which it has commissioned.

PROMOTING INTEGRATION

The provider is expected to ensure a minimum degree of integration into mainstream activities for each individual pupil in the SRP, each week. Whilst the minimum is acceptable to support periods of transition, the expectation is that pupils will join peers for activities on an incrementally increasing, but personalised basis. It is not acceptable for pupils to spend the majority of their time in the SRP without an individualised plan aimed at increasing their integration.

The SRP must enable the inclusion of each individual pupil in the host school. The details must be recorded and reviewed through the annual review process.

MANAGEMENT OF THE RESOURCE

The Provider shall provide the Services with reasonable skill and care and in accordance with the best practice prevailing in alternative provision and in all respects in accordance with KCC SEN Strategy and in accordance with all applicable statutes.

ADMISSIONS AND EXIT ARRANGEMENTS

The LA will manage admissions to the SRP. The referral pathway is through the LA. No pupil can be admitted without the prior agreement of KCC.

Pupils will normally be subject to an Education Health and Care Plan (or Statement). In exceptional cases, admission will be part of an ongoing plan to determine whether assessment should be initiated.

Pupils considered appropriate for admission on the basis of statutory assessment will be referred through the area SEN Team. The decision to admit will be taken by the relevant SEN Manager in the area team following consultation undertaken in compliance with S39 (6) Children and Families Act 2014 (which replaces consultation for pupils subject to a Statement under Schedule 27 Education Act 1996).

Where the School is at capacity, places in the SRP will be in addition to the Published Admission Number (PAN).

Pupils may not always be spread evenly across the year groups.

Exit from provision will be discussed at the pupil's annual review meeting. Any proposals/recommendations for a change of placement arising from the review will be referred to County panel.

MONITORING AND EVALUATION

The Headteacher of the provider school will have overall responsibility for the day to day management of the provision and for ensuring that the performance of staff is managed appropriately and in line with statutory requirements and local authority policy, ensuring that LA School Improvement Advisors or SEN Provision Evaluation Officers are able to undertake lesson observation to verify the quality of teaching is good or better.

The Headteacher will establish a steering group comprising representatives of the staff, parents, KCC and NHS to meet at least twice each year.

The Headteacher must report to the LA, on at least an annual basis, the work of the SRP. This will usually be through the School profile and the LA representative on the Steering group although a meeting with an Officer of the LA or other appropriate professional will also be available on a bi-annual basis to meet with the school and review the SLA.

All plans and records for monitoring and recording progress will be consistent with the school's systems and the LA's procedures for all schools.

Successful outcomes for pupils will include clear progress in their learning and development. Their progress will also be measurable by pupil voice, parent views, attendance and use of exclusions

HOME TO SCHOOL TRANSPORT

The provider must consult with the Local Authority to ensure that the impact of timetable variations e.g. Inset days, early closures or exam timetabling does not result in additional home to school transport expenditure for the authority.

This Agreement has been entered into on the date stated at the beginning of it.

IN WITNESS whereof this Agreement has been executed by the Parties as a deed:

THE KENT COUNTY COUNCIL

Authorised Signatory

Julie Ely

Head of SEN Assessment &
Placement

EXECUTED AS A DEED by

on behalf of the Governing Body
or Board of Trustees

Schedule 1 (Specification): Services to be delivered

SRP designated for up to 15 full time places

The provider school will:

- Operate the SRP as an integral part of the school, including after school activities and clubs as any other pupil in the school
- Develop expertise through nationally recognised quality assurance measures such as the Balance System © Scheme for Schools or national standards for SRPs such as those for Visual Impairment
- Maintain a focus on the quality standards (relevant to the need type of pupils catered for) necessary to obtain external accreditation e.g. National Autistic Society, NAPLIC and ICAN
- Appoint qualified teaching staff with relevant experience and/or and practical knowledge of teaching children placed within the SRP with at least one member of staff trained to post-graduate level in the need type for the SRP
- Employ assistants with relevant skills or who are receiving training
- Involve an officer of the LA in the selection process for key personnel.
- Ensure staff remain open to observation, willing to take part in moderation and able to model effective teaching
- Ensure staff have professional development based on an audit of need
- Safeguard expertise through investment in relevant materials, induction and support for staff across the school, particularly NQTs
- Use LA minimum standard technology e.g. whiteboards and iPad™
- Ensure specialist technology/equipment is used effectively.
- Provide advice for the assessment of pupils in the SRP

Contribute to the LA's strategic plans and outreach

- Actively engage with Local Inclusion Forums (LIFT) and STLS dimension groups for school professionals, demonstrating expertise in need type
- Publicise, and regularly update what is on offer, the referral process, who does what and how outreach support can be accessed
- Promote the mainstream core standards and evidence based interventions e.g. Language 4 Learning, Speech Link

Report on impact of the work of the SRP (to include, but not exhaustive)

- Individual pupil progress
- Support for pupils within the host school who are not part of the SRP roll
- Outreach
- Parent satisfaction levels

Deliver parent support and improve parental confidence through

- Participation in county wide programmes such as NAS Early Bird
- working in partnership with parents of pupils in the SRP

If for any reason the commissioned number exceeds designated places, the school shall use its reasonable endeavours to accommodate any increase.

Schedule 2: Key Performance Indicators

The provider shall report at regular intervals, at least 3 times per year, the following information to the Council in the form reasonably specified by the Council:

Activity Data

The number of pupils in the SRP at the end of each term

- by total and by gender, free schools meals, BME, LAC
- subject to EHCP (or Statement) or not yet subject to a plan
- new entrants and leavers to mainstream
- transfer to special school
- whose attendance has improved

Outreach activity which has taken place

Workforce Development and ongoing CPD for specialists

Evidence of good outcomes

- The progress of pupils in the core areas of the curriculum against their expected levels comparison with national indicators
- Comparison with all pupils in the host school.

Evidence parental satisfaction

- An annual summary of the views of parents on whether their child is on target to meet their outcomes (number and %)
- How the views of parent reps at the SRP have been used

Evidence of pupils views

How the views of pupils in relation to their behaviour and whether they are enjoying school and making good progress. in relation to

- Academic progress in learning SEMH
- Making and maintaining friendships

Schedule 3: Key Personnel

Nominated Officers

For the purposes of this Agreement, KCC's nominated representative shall be:

The Officer responsible for SEN - Head of SEN Assessment & Placement, Julie Ely.

The provider school's nominated representative shall be:

Name:

Position:

Any change of nominated representative will be notified to the other party within 14 days of such a change.

Schedule 4: Steering Group

Core agenda

Whilst the Steering Group discussion should reflect relevant local items:

1. **Confidentiality:** a reminder of the responsibility of all members of the group
2. **Admissions/exits:** to ensure an overview of whether the right referrals are being received and whether there are any common reasons why pupils are inappropriately referred or moving to alternative provision.
3. **Continuing Professional Development and accreditation:** to look at the priority given to workforce development and the level of expertise being maintained
4. **Pupil views:** their views on their progress, whether they feel they are getting the right support, enjoying and achieving, how they could receive more effective support, any areas in which they feel they are not accessing the provision available to other children
5. **Parent views:** is the provision targeting the difficulties which have been identified prior to entry, is progress adequate, good or better, are parents supported to understand their children's difficulties, do they feel engaged/involved
6. **Pupil progress:** from individual starting points, compared to the others in the provision and elsewhere in the school, compared to national data
7. **In reach/outreach:** activity and impact, contribution to the LIFT process and overall ongoing capacity
8. **Any other business** (local issues)

Membership of the Steering Group

The Headteacher will ensure that the steering group is comprised of invited representatives of the school's staff, parents, KCC as the commissioner of the places and NHS services working in partnership with the school.

The role of the KCC representative is to enable the authority to maintain a strategic overview of its commissioned provision. The LA will notify the Headteacher of the named representative (Kent SEN Service district or area manager) to be invited.

The role of parent and staff representatives will be to look much broader than their own child/role. It will be important to appoint people with an interest and ability to draw on experience and offer practical suggestions about continuous improvement and positive challenge.

The LA recognises that the importance of confidentiality in order that the group can have effective discussions and that there will be some volunteers who may not be best placed and for this reason the decision on appointment rests with the school's headteacher.

The Steering group does not have the status of the Governing Body. It is a way of ensuring parents/carers and other stakeholders have an opportunity to contribute their views on how well the provision is being delivered and to shape and influence the support for pupils. It is also a mechanism for ensuring a consistent approach to delivery of SEN specialist provision across Kent in order to fulfil the SEND Strategy aims.