

DIRECTORATE OF CHILDREN'S SERVICES**Summary Report of Consultation on the Decommissioning of Individual Needs Centres (INCs)****Purpose of Report**

1. To provide a summary report of the INC Decommissioning Consultation.
2. To provide recommendations for the Interim Director of Children's Services to consider.

Background

3. Following a review of the Dudley mainstream school provisions for Special Educational Needs (SEN) and a needs and trends analysis of future requirements for SEN provision, reported to the Director of Children's Services in February 2008, proposals for the decommissioning of INC provision and a plan for the commissioning of new provision were made in a consultation paper.
4. The consultation paper proposals centred on ensuring a cost effective and value for money flexible range of specialist SEN provisions in mainstream schools to meet the current and future diversity of special educational needs within Dudley. The proposals took account of local and national developments in SEN policy and strategy.
5. The consultation period was from November to December 2008 using a questionnaire and follow-up meetings with key stakeholders.

Summary of Responses

6. A total of 25 responses including 13 group and 12 individual responses were received. A breakdown of these responses which came from schools or individuals connected with schools is given below in Table 1. It should be noted that the majority of responses were from staff, parents or governors of 3 of the 7 schools where INC provisions are proposed for decommissioning. Two of these three schools will have their INC provisions sustained under new Service Level Agreements until 31st August 2010 and all will be eligible to tender for new specialist provisions in mainstream schools in the intervening period.

Table 1 – Summary of Responses

Primary Schools	6
Secondary Schools	10
Special Schools	2
Learning Centre	1
Governors	2
Parents	4
TOTAL	25

7. Thirteen of the respondents were opposed to the decommissioning of all of the INCs. The three INC schools all stated that their INCs had provided for the needs of more children in their schools than those with a designated INC statement. Apart from being a misuse of the funding delegated to the schools this is clearly not equitable for other schools that do not have INC funding and are not able to make similar costly provision within their base budgets for non-statemented children. It also fails to acknowledge and address the key argument in the consultation paper that there is a need to make a strategic reconfiguring of resources to address the unmet needs of groups of children within the borough. This can only happen through re-allocating resources not currently delivering value for money into the new provisions to address those unmet needs. Additionally, under the consultation proposals, all children currently in INCs on INC statements will be allocated hours of support via a mainstream statement, equivalent to the place value of an INC statement.
8. Ten of the respondents agreed that the current INC provision, with only 38% utilisation, does not represent effective use of Council resources. Seven respondents disputed this proposition. Again there were similar, if not identical submissions, coming from a group of parents opposed to decommissioning and similar arguments about using the INC provision for School Action Plus pupils. It was argued by a number of these seven respondents that the local authority had not managed the INCs well by filling them. However, INC provisions are designated Moderate Learning Difficulties (MLD) provisions and all the trend data identifies that parents of MLD pupils have for some time been expressing a preference for their local mainstream schools with statemented hours of support rather than INC provisions or if their needs are more complex for a local special school place. Alongside this, cognitively more able pupils with Autistic Spectrum Disorder (ASDs), Behavioural, Emotional and Social Difficulties (BESD) and Speech Language and Communication Needs (SLCN) at Key Stage 2 have not had available to them appropriate specialist provision in mainstream schools. The strategic redirection of resources to meet these needs is essential to enable effective earlier intervention for such children and to prevent potentially costly out of authority placement later in their school careers
9. Six respondents agreed that the £667k in INC budgets should be redirected towards new specialist provisions and ten disagreed. The responses to this question were more disparate. However, a number of similar points to those above can be drawn from them. The authority's plans for its future developments of specialist provisions are clearly set out in the consultation document and are also detailed in the SEN strategy. INCs have been in existence for almost 12 years during which they initially met identified needs but latterly have been significantly underutilised because of parental preferences. They do not address the wider needs identified within the borough. MLD students will continue to have a choice of mainstream provision with additional support or special school placement. Funding arrangements will be put in place to maintain and support current INC students in their existing schools as long as parents wish them to remain there.

- 10.** Six respondents agreed with the proposal to develop the range of additional mainstream provision in Dudley and eight did not. The arguments deployed above apply to most of the negative responses. Additionally, the purpose of establishing specialist provisions is to ensure that the needs of pupils with ASDs, BESD, SLCN and Physical Difficulties (PD) can be properly met with appropriately trained and experienced staff in suitable learning environments. All current INC schools will be in a position, with other schools, to tender for one of the new provisions if they wish and can offer the expertise which they may have developed in meeting the more complex SENs in their existing INCs as part of their tender bid. The Local Authority (LA) will be evaluating any bids on the support that the wider school community including governors, staff and parents can evidence for the inclusion of, and commitment to, children with complex SENs. Schools making successful bids will be partnered by the LA, through a Service Level Agreement, to ensure that the provisions continue to meet the needs that they were designed to do.
- 11.** Six respondents agreed that the new specialist provisions should be put out to tender and seven disagreed. Where there was disagreement it focused on the possible lack of expertise in schools submitting tenders compared with existing INC schools. The service specification for the tender will set expectations for tendering schools quite clearly. If existing INC schools felt that their established expertise matches the service specification then this will enhance any submission that they make.
- 12.** Five respondents agreed that the new specialist provisions should be commissioned on a three to five year basis and ten did not. The 3-5 year timescale was not felt to be sufficient to establish and embed the expertise and success of new provisions or to give parents confidence in the future of the provision. The LA acknowledges these concerns but also has to have regard for ensuring that the once only opportunities for education that children have are protected and guaranteed. The LA would seek to work in partnership with schools hosting the new provisions, supporting them whilst also regularly monitoring the outcomes for children with complex SENs. However the need for a minimum five year period to establish provisions is acknowledged, provided that there were no significant change to the schools circumstances, such as falling into an Ofsted category, which would jeopardise good outcomes for children.
- 13.** Nine respondents agreed that the funds for specialist provisions should be retained centrally while provisions were being established and outcomes were being monitored. Only one respondent disagreed and gave no reasons for this. A more robust arrangement for monitoring will be part of the Service Level Agreement (SLA) with host schools than has existed with the INC provisions.
- 14.** The phasing in over two years of the new provisions, with interim SLAs with Hob Green and Colley Lane schools, was agreed by ten respondents with only one dissenting response.
- 15.** There was no clear view regarding the proposal that Schools Forum exclude the withdrawal of INC funding from Minimum Funding Guarantee (MFG) calculation. Concerns were expressed about the loss to current INC schools of

INC funding. The maintenance of funding to children already in INC schools was a clear concern. This will be managed through the issue of statements with hours of support which will give an equivalent sum per pupil to the place value of an INC place. This will be more cost effective and provide better value for money than current under-subscribed INC provision.

16. Seventeen additional comments were made: 5 from Castle High; 5 from Colley Lane; 2 from Hob Green; 2 from special schools; and 3 from unspecified parents. Additional concerns, over those already expressed in response to questions, included matters relating to staffing, the funding model, the consultation period, and the broader SEN strategy. The LA will be concerned to retain expertise in areas of SEN that are identified as a priority in the consultation document but the management of staffing in all schools remains the responsibility of the senior management teams and governors of schools. A planned place model of funding new specialist provisions has been adopted since this provides the incentive for schools to tender and initiate long term planning for new provisions. The planned places model is accompanied by a service specification and SLA to ensure that value for money and good outcomes for children are achieved. The consultation period was within accepted timescales for the nature of the development and was necessary to meet financial planning and budget timetables to decommission and re-commission over the period April 2009 - August 2010. These developments sit squarely within the 2005 SEN Strategy and the refresh of that strategy agreed at Directorate of Children's Services Directorate Policy Team in May 2008

Conclusions

17. The consultation has highlighted reservations among a minority of current INC providers, some of their staff, some governors and a few parents about the proposals in the consultation document. It is clear that these consultees feel that the provisions that they have been making for the education of children within their INCs is potentially going to be lost. They appear, however, not to have considered the wider strategic considerations in the consultation document about the need to meet a broader range of needs within specialist mainstream provisions or the proposed measures to protect the needs of existing INC children. The size of the response, given the number and range of organisations and individuals consulted, which included all Dudley schools, including all INC schools, is read as indicating a lack of overall opposition to the broad principles of the consultation.
18. All parents of current INC pupils will be consulted further about the provision required to meet the on-going needs of their children through the statutory annual review process although this is unlikely now to include continuation of INCs.

Recommendations

19. Considering the size of the consultation response, the issues raised by the small number of consultees responding, and the discussion above in relation to these issues, the Interim Director of Children's Services and Cabinet Member are asked to approve the decommissioning of the current INCs and the process of tendering and commissioning for the new specialist provisions

as proposed in the consultation document. The only exception to the proposals is that the new provisions will have a minimum five year tenure subject to quality assurance processes to be agreed in a service level agreement between the host schools and the LA, rather than a 3 – 5 year tenure.

- 20.** It is further recommended that Children's Services SEN team and Accountancy are given the authorisation to commence the necessary work to begin the decommissioning process, taking the proposals to Schools Forum at the earliest opportunity to secure approval of the financial arrangements.

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