

AGENDA FOR

HUMAN RESOURCES AND APPEALS PANEL

Contact: Chloe Ashworth
Direct Line: 01612535030
E-mail: C.Ashworth@bury.gov.uk
Web Site: www.bury.gov.uk

To: All Members of Human Resources and Appeals Panel

Councillors: R Caserta, T Holt and T Rafiq (Chair)

Dear Member/Colleague

Human Resources and Appeals Panel

You are invited to attend a meeting of the Human Resources and Appeals Panel which will be held as follows: -

Date:	Friday, 29 January 2021
Place:	Virtual meeting
Time:	10.30 am
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of Human Resources Committee are asked to consider whether they have an interest in any of the matters on the Agenda, and, if so, to formally declare that interest.

3 EDUCATION SERVICES - SEN SERVICE *(Pages 3 - 32)*

Jane Harrison, Interim Send Children and Young People's Lead and Julien Kramer Interim Assistant Director (Education & Inclusion), to present.
Report attached.



Classification	Item No.
Open	3

Meeting:	HR & Appeals
Meeting date:	29/01/2021
Title of report:	Education Services - SEN Service
Report by:	Councillor Tamoor Tariq, Children Young People and Skills
Decision Type:	Non-Key Decision
Ward(s) to which report relates	All wards in Bury

Executive Summary:

Following the Children and Families Act (CFA) 2014 local authorities were charged with implementing the SEND reforms, though which new arrangements were required to support children and young people 0-25 years with SEND.

The new system replaced the old 'Statement of SEN' system and new statutory functions were implemented. The SEN Service is responsible for undertaking these statutory functions on behalf of the local authority.

Bury has seen a year on year increase in demand for statutory EHC (Educational Health and Care) needs assessments and the issuing of EHCPs (Education Health and Care Plans). Whilst this increase has also been seen on a national basis, Bury is an outlier in the number of EHCPs issued, and we issue more EHCPs when compared to other local authorities.

High Needs funding is used to 'top up' the funding to schools and settings to enable them to deliver the special educational provision that is specified in EHCPs. The increase in EHCPs therefore increases the pressure on the High Needs funding block.

Bury SEND was inspected by Ofsted/CQC in June 2017 and received a written statement of action. The quality of EHCPs was one of the issues raised and the local authority needs to ensure that there is sufficient capacity with staff who have the necessary skills. Up until April of this year, the local authority outsourced the writing of EHCPs to an external provider. All EHCPs are now written in house and completed by SEN Caseworkers/Senior Caseworkers. In the previous re-structure a dedicated plan writer was established, but this was never recruited to and is no longer a viable role.

There is significant pressure on the SEN service and the current composition of the SEN team does not provide capacity where it is needed most. A shift in staff resources is required to strengthen the capacity of SEN Caseworkers and business support functions to enable the service to carry out the statutory functions more efficiently and effectively.

Whilst the proposed restructure will make modest savings at the outset of £3,186, it is predicted that through the increase in SEN Caseworker capacity, savings to the High Needs budget in the longer term will be made through:

- Reducing the volume of complaints and First Tier Tribunals.
- Active casework de-escalating cases which result in out of borough placements.
- Active casework to enable Annual Reviews of Education Health and Care Plans (EHCPs) to focus on the outcomes achieved – ensuring that EHCPs are ceased at the appropriate time.
- Improved systems and decision making, supporting early intervention and the graduated response in schools and settings, thereby reducing the unnecessary over reliance on EHCPs/High Needs funding.

Recommendation(s)

That: Committee is asked to support the proposed restructure of the team to enable it to function in a leaner, more efficient and effective way.

Key considerations

1. Background

- 1.1 The CFA 2014 and the SEND Code of Practice 0-25 years. Jan 2015, sets out the statutory functions for children and young people with SEND and the requirements for local authorities and partners.

- 1.2 Statutory functions for children and young people with SEND remain in place and there has been additional pressure on the service during COVID 19.
- 1.3 The review paid particular attention to SEN systems and processes and the core functions of staff members. There was significant pressure on the service and not all statutory deadlines were being met. Caseloads were not being actively managed due to capacity at a SEN caseworker level, leading to increased complaints and reactive decision making.
- 1.4 It review found that the service structure was not 'fit for purpose'. The number of senior roles in the service appeared to be 'top heavy' when compared to the number of other staff in the service, and as a consequence of the demands on the service, staff were working at a level below their actual role e.g. senior caseworkers working as case workers and caseworkers working as admin support.
- 1.5 Cabinet received a report on 2nd September 2020 in respect of the Designated Schools Grant and the significant pressures, particularly on the high needs block. As a consequence there are financial pressures, and this proposal is a key element in helping to address these.

The proposal

2. The proposal is to restructure the SEN team in the SEN service in order to increase capacity in the 'engine room' – at an SEN Caseworker and Business Support/Admin level.
 - 2.1 The Current Head of SEN Service retired at the end of November 2020 and it is proposed that the Head of Service post is deleted and replaced with an SEN Team Manager post, paid at a lower salary scale.
 - 2.2 Reduce the established number of Senior Casework Practitioner posts from x3 FTE to x1FTE (there are currently two Senior Casework Practitioners in post due to a vacant post since August 2020).
 - 2.3 Remove the EHC plan writer post from the establishment.
 - 2.4 Increase the number of SEN Caseworkers on the establishment from x 4 FTE to x 7 FTE
 - 2.5 Increase the business support on the establishment from x 1.9 FTE to x 2.5 FTE. It is proposed this capacity is established but held as vacant pending the completion of the Council Business Support Review, and the potential need to redeploy staff potentially displaced through this review.
 - 2.6 This will create additional capacity in the service and generate an initial saving of £3,186.

Other alternative options considered

Three options have been considered:

2.7 No change to current structure

This option is not preferable as there is limited capacity to carry out statutory functions. 'No change' will not address the backlog of work and support system and culture change. Limited opportunity to address the over reliance on EHCPs and thereby reduce the pressure on the High Needs budget.

2.8 Delete the Senior Caseworker role completely

This option is not preferable as it will not provide sufficient management capacity and oversight. Risk of no management capacity if the manager is not at work.

2.9 Create a separate EHC Needs Assessment and Annual Review function/team

This option is not preferable as it separates the functions into tasks and does not fully embrace caseload accountability, co production and person centred planning. Risk if individuals in a function role are not at work – staff will not have the skills to cover both functions. No difference to the cost of delivering the service when compared to the proposed option.

Proposed method to implement the proposal

It is anticipated that employees could be accommodated within these proposals but in the event that they are not it is proposed to write to them terminating their employment and offering to re-engage them on revised contracts. Where there are proposed reductions in the number of posts at a particular level, it is proposed to use a selection process to allocate the available posts if no other agreement can be reached."

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<p>An Equality Impact assessment has been completed and the restructure will impact positively on eliminating the potential for discrimination and ensuring that children and young people with SEND have equal opportunities for those who require statutory assessment. SEN Caseworkers will have caseload responsibility and this will ensure that any potential discrimination can be tackled regardless of where this is coming from.</p> <p>We will continue to seek the views of parents and young people of our service and this will include any practice that indicates equality or discrimination features. We will review all complaints and Tribunals to review whether there are any equalities or discrimination features present and through CPD/supervision and appraisal, address any issues or gaps in knowledge, skills, behaviours or attitude. Monthly reporting will inform future CPD and development.</p>	

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
<p>Unable to recruit to the SEN Caseworker posts (low risk)</p>	<p>Make it an attractive proposition for SEN Caseworkers to want to work in Bury e.g. manageable SEN caseloads, access to training and CPD, dynamic team, effective leadership and management.</p>
<p>Opportunity to embed co production and person centred planning, re introduction of person centred planning meetings as part of the EHC needs assessment process.</p>	<p>Manageable caseloads Training on person centred planning.</p>
<p>Opportunity to improve the 'lived' experience for children, young people and parents</p>	<p>Staff who are skilled in casework and solution focused. Staff have a strong customer focus. Children and young people at the centre of all of the work. Backlog of work completed.</p>
<p>Opportunity to develop and integrate the service as part of the early intervention agenda.</p>	<p>Staff are more 'front facing' rather than focusing on 'back office' functions. Service and team focus on outcomes and the impact. Stronger focus on data and evidence to support decision making.</p>
<p>'No change' to the structure will prevent the service transformation leading to:</p> <ul style="list-style-type: none"> • potential for reputational damage. • continued scrutiny from DfE. • prevent opportunities to embed early intervention and the graduated approach. • continued demand on High Needs block funding. • continued 'back office' approach which does not support proactive caseload management. 	<p>CPD and WFD plan for staff. Integrate SEN Service with the wider services that support children and young people e.g. Early Years and Early Help. Consideration of the proposal.</p>

Consultation:

This proposal is limited to changes to the SEN team within the SEN Service. Following the decision by HR & Appeals, consultation will follow with staff according to HR policy.

Legal Implications:

The Council has statutory duties in relation to SEN services. Recruitment must be in accordance with the Council's recruitment and selection procedures and comply with its equality duties.

Financial Implications:

The proposed approach is deliverable within the budget available and will deliver a small saving.

Report Author and Contact Details:

Jane Harrison, Interim SEND Children and Young People's Lead

Jane.harrison@bury.gov.uk

0161 2536295

Background papers:

None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
SEND	Special Educational Needs and Disabilities
SEND Code of Practice: 0-25 years. Jan 2015	Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities

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CONSULTATION PROPOSAL

Restructure of the SEN Service

- Rationale for the proposed change(s) and perceived benefits

Background

Following the Children and Families Act (CFA) 2014 local authorities were charged with implementing the SEND reforms, through which new arrangements were required to support children and young people 0-25 years with SEND.

The new system replaced the old 'Statement of SEN' system and new statutory functions were implemented. The SEN Service is responsible for undertaking these statutory functions on behalf of the local authority.

Bury has seen a year on year increase in demand for statutory EHC (Educational Health and Care) needs assessments and the issuing of EHCPs (Education Health and Care Plans). Whilst this increase has also been seen on a national basis, Bury is an outlier in the number of EHCPs issued, and we issue more EHCPs when compared to other local authorities.

High Needs funding is used to 'top up' the funding to schools and settings to enable them to deliver the special educational provision that is specified in EHCPs. The increase in EHCPs therefore increases the pressure on the High Needs funding block.

Bury SEND was inspected by Ofsted/CQC in June 2017 and received a written statement of action. The quality of EHCPs was one of the issues raised and the local authority needs to ensure that there is sufficient capacity with staff who have the necessary skills. Up until April of this year, the local authority outsourced the writing of EHCPs to an external provider. All EHCPs are now written in house and completed by SEN Caseworkers/Senior Caseworkers. In the previous re-structure a dedicated plan writer was established, but this was never recruited to and is no longer a viable role.

There is significant pressure on the SEN service and the current composition of the SEN team does not provide capacity where it is needed most. A shift in staff resources is required to strengthen the capacity of SEN Caseworkers and business support functions to enable the service to carry out the statutory functions more efficiently and effectively.

The Review

The CFA 2014 and the SEND Code of Practice 0-25 years. Jan 2015, sets out the statutory functions for children and young people with SEND and the requirements for local authorities and partners.

Statutory functions for children and young people with SEND remain in place and there has been additional pressure on the service during COVID 19.

The review paid particular attention to SEN systems and processes and the core functions of staff members. There was significant pressure on the service and not all statutory deadlines were being met. Caseloads were not being actively managed due to capacity at a SEN caseworker level, leading to increased complaints and reactive decision making.

It review found that the service structure was not 'fit for purpose'. The number of senior roles in the service appeared to be 'top heavy' when compared to the number of other staff in the service, and as a consequence of the demands on the service, staff were working at a level below their actual role e.g. senior caseworkers working as case workers and caseworkers working as admin support.

Cabinet received a report on 2nd September 2020 in respect of the Designated Schools Grant and the significant pressures, particularly on the high needs block. As a consequence there are financial pressures, and this proposal is a key element in helping to address these.

The Proposal

The proposal is to restructure the SEN team in the SEN service in order to increase capacity in the 'engine room' – at an SEN Caseworker and Business Support/Admin level. This will be done by:

- The post of Service Manager (SEN) is currently vacant. It is proposed that the Head of Service post is deleted and replaced with an SEN Team Manager post, with a more focussed remit only to manage the SEN Team (management of the Children with Disabilities Team is proposed to transfer to the Strategic Lead). The post will line manage the Senior SEN Practitioner, the Lead Officer – SEN Early Years and the Connexions Advisors.
- A reduction in the number of Senior Practitioner posts from x3 FTE to x1 FTE (one post is currently vacant), with a revised job description introduced.
- Deletion of the EHC Plan Writer post from the establishment (currently vacant).
- Increase the number of SEN Caseworkers on the establishment from x 4 FTE to x 7 FTE, with a revised job description introduced.
- Increase the business support on the establishment (provided through the Business Support Team) from x 0.9 FTE to x 2.5 FTE.
- To transfer line management of the Education Psychologist (currently vacant) to the Strategic Lead.

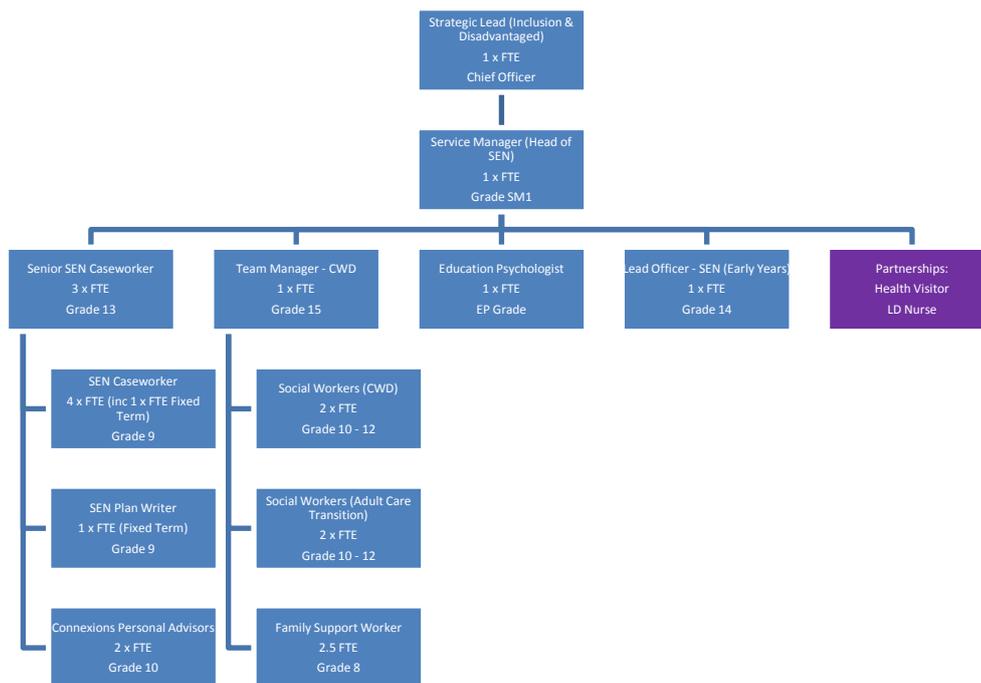
Benefits

Whilst the proposed restructure will make only a modest savings at the outset of £3,186 it is predicted that through the increase in SEN Caseworker capacity, savings to the High Needs budget in the longer term will be made through:

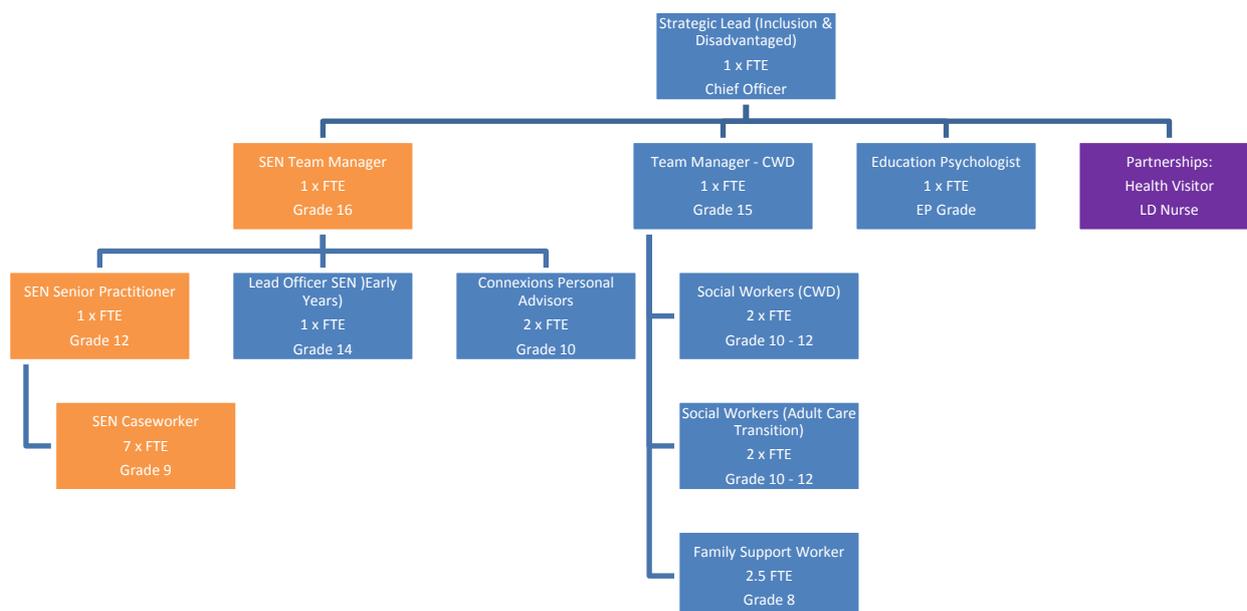
- Reducing the volume of complaints and First Tier Tribunals.

- Active casework de-escalating cases which result in out of borough placements.
- Active casework to enable Annual Reviews of Education Health and Care Plans (EHCPs) to focus on the outcomes achieved – ensuring that EHCPs are ceased at the appropriate time.
- Improved systems and decision making, supporting early intervention and the graduated response in schools and settings, thereby reducing the unnecessary over reliance on EHCPs/High Needs funding.

Structure prior to restructure



Proposed structure after restructure



- Cost of structure before and after the proposals take effect



SEN Costings.xlsx

It is anticipated that the revised structure will ensure that we deliver a services which is proactive and responsive, thereby reducing the volume of complaints that are received. This will result in a significant saving of time for senior managers as well as for staff in the SEN team and complaints department who manage and respond to complaints.

This will lead to increased efficiencies to staff resources, which will influence overall service improvement. The biggest impact however, will be on parents and young people, whose lived experience of the service should improve, with increased levels of satisfaction.

It is also anticipated that there will cost reductions due to reduced number of Tribunals. Tribunal work is very labour intensive and costly, with legal costs, Senior management costs and administration costs such as producing multiple bundles for Tribunal. It is anticipated that with improved customer satisfaction, the number of Tribunals will reduce accordingly and thereby reduce costs.

Strengthening the capacity of the team will provide the opportunity to develop a high quality service and increase motivation and positivity. Whilst it is acknowledged that the SEN team have historically had very low levels of sickness absence, we need to ensure that this is maintained.

The impact of delivering a high quality service will impact on the high needs budget in a positive manner, as the emphasis will be on early intervention rather than a reactive service e.g. when there is placement breakdown or children out of school and INMS/AP is required.

There will also be cost savings from 'hidden' impacts e.g. the time of multi agency partners and stakeholders including schools, social care and health. Delivering a high quality service that is fit for purpose, will prevent many cases going into crisis management and thereby reducing the pressure (and cost) of those involved.

- Consultation timetable / Programme

Length of consultation:	Activities to take place during consultation period:
30 calendar days from 5 th February 2020	Whole staff briefing. One to one / small group meetings with staff as requested.

- A list of all jobs in the area of the restructure and the impact on each one, including employee names and how they are impacted by the proposed changes

Post	Grade & Number of Posts	Proposed Action
Service Manager SEN	1 x FTE, Grade SM1	Post vacant Post disestablished
SEN Team Manager	1 x FTE, Grade 16	Post established Available for recruitment
Senior SEN Practitioner	3 x FTE, Grade 13	1 x FTE post vacant Reduction to 1 x FTE post Post holders ring fenced under 60% rule Job Description revised, proposed at Grade 12.
SEN Caseworker	4 x FTE, Grade 9	Increase to 7 x FTE posts Post holders ring fenced under 60% rule Job Description revised, proposed at Grade 9
SEN Plan Writer	1 x FTE, Grade 9	Post vacant Post disestablished
Lead Officer – SEN Early Years	1 x FTE, Grade 14	Line management to change to SEN Team Manager
Connexions Workers	2 x FTE	Line management to change to SEN Team Manager
Education Psychologist	1 x FTE, Soulbury EP	Line management to change to Strategic Lead
Team Manager, Children with Disabilities	1 x FTE, Grade 15	Line management to change to Strategic Lead
Administration Support Officer	1.9 x FTE, Grade 4	Increase to 2.5 x FTE, Grade 4

- Job Descriptions & Person specifications for all new and revised posts



NEW SEN Team
Manager JD&PS.doc



NEW SEN Senior
Practitioner JD&PS.c



NEW SEN
Caseworker JD&PS.c

- Implementation timescale and plan for the proposals

Date	Activity
7 th March 2021	End of consultation period
By 10 th March 2021	Final collation of feedback and comments from the formal consultation period and development of the final proposal
By 12 th March 2021	Confirmation of the final proposal & feedback
By 26 th March 2021	Selection of employees (where required)
By 2 nd April 2021	Implementation of proposal including issuing of variation of contract letters.

By 14 th April 2021	Implementation of Termination & Re-engagement process (if required)
By 1 st May 2021	Full operational implementation of all elements of proposal (subject to notice periods where applicable)

- Next steps

This pack is part of the formal consultation with staff.

This consultation is in accordance with the Council's Employee Consultation Procedure and S188 of the Trade Union and Labour Relations Consolidation Act 1992. The length of the consultation is 30 days. Therefore the consultation period will be:

5th February 2021 – 7th March 2021

There is a range of support available that can be accessed via the intranet resource area:-

<http://intranet/index.aspx?articleid=12931>

SENIOR MANAGEMENT AND MEMBER SIGN-OFF

Restructure of the SEN Service	
Name and designation of officer submitting proposal	XXX
Date of submission	XXX
<p>Outline of proposal:</p> <p><i>Reason for change</i></p> <p>The proposal is to restructure the SEN team in the SEN service in order to increase capacity in the 'engine room' – at an SEN Caseworker and Business Support/Admin level. This will be done by:</p> <ul style="list-style-type: none"> • The post of Service Manager (SEN) is currently vacant. It is proposed that the Head of Service post is deleted and replaced with an SEN Team Manager post, with a more focussed remit only to manage the SEN Team (management of the Children with Disabilities Team is proposed to transfer to the Strategic Lead). The post will line manage the Senior SEN Practitioner, the Lead Officer – SEN Early Years and the Connexions Advisors. • A reduction in the number of Senior Practitioner posts from x3 FTE to x1 FTE (one post is currently vacant), with a revised job description introduced. The post will line manage • Deletion of the EHC Plan Writer post from the establishment (currently vacant). • Increase the number of SEN Caseworkers on the establishment from x 4 FTE to x 7 FTE, with a revised job description introduced. • Increase the business support on the establishment (provided through the Business Support Team) from x 1.9 FTE to x 2.5 FTE. • To transfer line management of the Education Psychologist (currently vacant) to the Strategic Lead. <p><i>Benefits</i></p> <p>Whilst the proposed restructure will make only a modest savings at the outset, it is predicted that through the increase in SEN Caseworker capacity, savings to the High Needs budget in the longer term will be made through:</p> <ul style="list-style-type: none"> • Reducing the volume of complaints and First Tier Tribunals. • Active casework de-escalating cases which result in out of borough placements. • Active casework to enable Annual Reviews of Education Health and Care Plans (EHCPs) to focus on the outcomes achieved – ensuring that EHCPs are ceased at the appropriate time. • Improved systems and decision making, supporting early intervention and the graduated response in schools and settings, thereby reducing the unnecessary over reliance on EHCPs/High Needs funding. 	

<i>Risks & Mitigations</i>	
Risk / opportunity	Mitigation
Unable to recruit to the SEN Caseworker posts (low risk)	Make it an attractive proposition for SEN Caseworkers in Bury e.g. manageable SEN caseloads, access to training and CPD, dynamic team,
Opportunity to embed co production and person centred planning, re introduction of person centred planning meetings as part of the EHC needs assessment process.	Manageable caseloads Training on person centred planning.
Opportunity to improve the 'lived' experience for children, young people and parents	Staff who are skilled in casework and solution focused. Staff have a strong customer focus. Children and young people at the centre of all of the work. Backlog of work completed.
Opportunity to develop and integrate the service as part of the early intervention agenda.	Staff are more 'front facing' rather than focusing on 'back office' functions. Service and team focus on outcomes and the impact. Stronger focus on data and evidence to support decision making.
'No change' to the structure will prevent the service transformation leading to: <ul style="list-style-type: none"> • potential for reputational damage. • continued scrutiny from DfE. • prevent opportunities to embed early intervention and the graduated approach. • continued demand on High Needs block funding. • continued 'back office' approach which does not support proactive caseload management. 	CPD and WFD plan for staff. Integrate SEN Service with the wider services that support children and young people e.g. Early Years and Early Help. Consideration of the proposal.

Cost of proposal:

Cost differential

The cost of the current SEN Service is £633,036 and the proposed service is £629,850.

Savings

Savings will be achieved by removing the Head of Service post and replacing with an SEN Operational Manager. The removal of senior practitioner posts will also reduce costs, but at the same time those cost savings will be largely invested to increase the number of SEN Caseworkers and business support. Overall cost savings are £3,186.

Additional costs

No additional costs beyond potential transitional costs associated with pay protection or potential redundancy.

Employee impact:

Number of affected employees

There are 10 employees directly impacted by this proposal.

Number of displaced employees as a result of proposals

There are 5 employees potentially displaced by this proposal.

Number of new posts created as a result of proposals

There are 5 additional posts created as a result of this proposal.

Use of Agency Workers

The SEN service currently engages x 4 FTE agency SEN Caseworkers who are on interim contracts from September/Oct 2020 until the end of December 2020. It is anticipated that this will need to continue until the restructure is in place. The team is also supported by an agency Admin worker 0.9 wte who has been in post for approx 2 years.

Equality analysis

(Will this proposal change policy, procedure or working practice or negatively impact on a group of people? If yes, complete EA, summarise issues identified and recommendations – forward EA to Corporate HR)

Equality analysis completed – this proposal will have a positive impact on Children and young people with SEND and their families in Bury.

Decision taken by:	Signature	Date
Director or Chief/Senior Officer		
Head of Finance		
Head of Human Resources		
Members consulted		
Executive Member/Chair		

HR and Appeals		
Cabinet Member (if applicable)		
JET		
Progress checklist	Planned date	Complete
Step 1 – Developing the proposal (including informal information sharing with the Trade Unions)	XXX	
Step 2 – Senior Management sign off	By 18th December 2020	
Step 3 – Briefing Trade Unions	By 3rd December 2020	
Step 4 – Formal Consultation instigated	4th February 2021	
Step 5 – Formal Consultation period	5th Feb – 7th March 2021	
Step 6 – Finalising the proposal	10th March 2021	
Step 7 – Confirmation of proposal including delegated power	12th March 2021	
Step 8 – Selection of employees	By 26th March 2021	
Step 9 – Implementation of proposal	2nd April 2021	
Step 10 – Variation to contracts	From 2nd April 2021	
Step 11 – Implementation of dismissals	Subject to notice periods	

CONSULTATION FEEDBACK FORM

Restructure of the SEN Service

Please use this form to indicate any comments which you would like to be considered or require a response to as part of the consultation process.

During the consultation you should consider:

- whether you are in agreement with the proposal
- whether you are in agreement with how we suggest to implement the proposal
- any other issues you wish to raise in relation to the proposals

Any specific questions which you want to ask within the consultation should be listed

Name: _____

Signature: _____

Date: _____

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Equality Analysis Form

The following questions will document the effect of your service or proposed policy, procedure, working practice, strategy or decision (hereafter referred to as 'policy') on equality, and demonstrate that you have paid due regard to the Public Sector Equality Duty.

1. RESPONSIBILITY

Department	Children and Young People	
Service	SEN Service	
Proposed policy	SEN Team	
Date	20/11/2020	
Officer responsible for the 'policy' and for completing the equality analysis	Name	Jane Harrison
	Post Title	SEND CYP Lead
	Contact Number	2536295
	Signature	
	Date	20/11/2020

2. AIMS

What is the purpose of the policy/service and what is it intended to achieve?	<p>The SEN team are responsible for administering the statutory educational functions for children and young people with SEND and who require an Education Health and Care Needs Assessment and who have been issued with an Education Health and Care Plan. The statutory framework is the Children and Families Act (CFA) 2014.</p> <p>The restructure of the team is intended to create additional capacity at an SEN Caseworker and business support level, whilst at the same time ensuring that the management/senior roles are redefined and are focused on supporting the delivery of the work in an efficient and effective manner.</p> <p>The model of delivery will be enhanced to ensure that active casework using a person centred approach is embedded in practice.</p>
Who are the main stakeholders?	<p>Whilst the SEN team are directly affected by the restructure the main stakeholders include:</p> <ul style="list-style-type: none"> • Education partners including other LA education staff, schools, settings and colleges • Health partners • Social care partners • Children and young people with SEND.

3. ESTABLISHING RELEVANCE TO EQUALITY

3a. Using the drop down lists below, please advise whether the policy/service has either a positive or negative effect on any groups of people with protected equality characteristics. If you answer yes to any question, please also explain why and how that group of people will be affected.

Protected equality characteristic	Positive effect (Yes/No)	Negative effect (Yes/No)	Explanation
Race	No	No	
Disability	Yes	No	The proposed changes to the service will impact positively on children and people with SEND and their families. Needs will be identified earlier, statutory timescales will be met and support pathways will be improved. The service will be integrated more effectively with multi agency partners, ensuring that the holistic needs of CYP with SEND are met. We will continue to work in co production with parents and carers of children and young people with SEND
Gender	No	No	
Gender reassignment	No	No	
Age	No	No	
Sexual orientation	No	No	
Religion or belief	No	No	
Caring responsibilities	No	No	
Pregnancy or maternity	No	No	
Marriage or civil partnership	No	No	

3b. Using the drop down lists below, please advise whether or not our policy/service has relevance to the Public Sector Equality Duty. If you answer yes to any question, please explain why.

General Public Sector Equality Duties	Relevance (Yes/No)	Reason for the relevance
Need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010	Yes	Equality in recruitment and selection/HR processes – new posts will be established and comply with HR processes and Equality Act 2010. The restructure will ensure that the LA has sufficient staff to support CYP with SEND and their families with active caseload management. This will eliminate the potential of unlawful discrimination whereby ‘those who are more vocal, receive more’. The restructure will ensure that decision making is robust, fair and transparent. The ethos and principles of Co production and person centred planning will be embedded in practice and this will ensure that staff operate in a fair, equal and transparent manner.
Need to advance equality of opportunity between people who share a protected characteristic and those who do not (eg. by removing or minimising disadvantages or meeting needs)	Yes	Staff will have the opportunity to have Work life balance and Carer responsibilities. Staff will have opportunities for CPD, based on their role and responsibilities which will be identified through supervision and appraisal. The SEN service covers the whole of Bury and focuses on CYP with SEND. Active caseload management and complying with statutory guidance will ensure that we remove any barriers or disadvantage.
Need to foster good relations between people who share a protected characteristic and those who do not (eg. by tackling prejudice or promoting understanding)	Yes	Empathy and understanding of client group and their families – this will be supported through co production and person centred planning Promoting inclusion and inclusive practice Ensuring service is delivered in a fair and transparent way Provide information to parents and young people that is accessible. We will ensure that equality impact is assessed in supervisions and

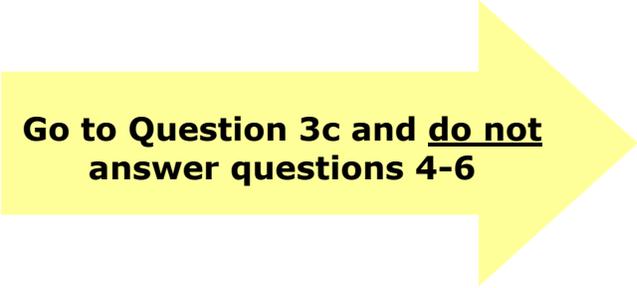
		appraisals with all staff. A programme of CPD is in place and equality and discrimination will form an integral element.
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If you answered 'YES' to any of the questions in 3a and 3b



Go straight to Question 4

If you answered 'NO' to all of the questions in 3a and 3b



Go to Question 3c and do not answer questions 4-6

3c. If you have answered 'No' to all the questions in 3a and 3b please explain why you feel that your policy/service has no relevance to equality.

4. EQUALITY INFORMATION AND ENGAGEMENT

4a. For a service plan, please list what equality information you currently have available (including a list of all EAs carried out on existing policies/procedures/strategies),

OR for a new/changed policy or practice please list what equality information you considered and engagement you have carried out in relation to it.

Please provide a link if the information is published on the web and advise when it was last updated?

(NB. Equality information can be both qualitative and quantitative. It includes knowledge of service users, satisfaction rates, compliments and complaints, the results of surveys or other engagement activities and should be broken down by equality characteristics where relevant.)

Details of the equality information or engagement	Internet link if published	Date last updated
Demand for services and waiting lists	<p>Following the Children and Families Act (CFA) 2014 local authorities were charged with implementing the SEND reforms, though which new arrangements were required to support children and young people 0-25 years with SEND.</p> <p>The new system replaced the old 'Statement of SEN' system and new statutory functions were implemented. The SEN Service is responsible for undertaking these statutory functions on behalf of the local authority.</p> <p>Bury has seen a year on year increase in demand for statutory EHC (Educational Health and Care) needs</p>	

	<p>assessments and the issuing of EHCPs (Education Health and Care Plans). Whilst this increase has also been seen on a national basis, Bury is an outlier in the number of EHCPs issued, and we issue more EHCPs when compared to other local authorities.</p>	
<p>Feedback from parents and the levels of complaints show that there are deficiencies in the current delivery model</p>	<p>Bury SEND was inspected by Ofsted/CQC in June 2017 and received a written statement of action. The quality of EHCPs was one of the issues raised by parents and partners and the local authority needs to ensure that there is sufficient capacity with staff who have the necessary skills. Up until April of this year, the local authority outsourced the writing of EHCPs to an external provider. All EHCPs are now written in house and completed by SEN Caseworkers/Senior Caseworkers. In the previous re-structure a dedicated plan writer was established, but this was never recruited to and is no longer a viable role.</p> <p>There is significant pressure on the SEN service and the current composition of the SEN team does not provide capacity where it is needed most. A shift in staff resources is required to strengthen the capacity of SEN Caseworkers and business support functions to enable the service to carry out the statutory functions more efficiently and</p>	<p>Subject to 6 monthly review by DfE. Last meeting took place July 20, next meeting scheduled 11th January 2020.</p>

	<p>effectively.</p> <p>We are embedding co production and person centred approaches, thus ensuring that the views of parents, children and young people are sought and inform service improvement and development.</p>	

4b. Are there any information gaps, and if so how do you plan to tackle them?

N/A

5. CONCLUSIONS OF THE EQUALITY ANALYSIS

<p>What will the likely overall effect of your policy/service plan be on equality?</p>	<p>It will have a positive impact on children and young people with special educational needs and disability and their families as it will improve SEN systems and processes.</p> <p>The restructure and improved model of delivery will be positive in that it will support the inclusion of children and young people in mainstream schools and settings.</p> <p>The delivery model will have a positive impact by increasing the knowledge and understanding of children and young people with SEND and how to best support them.</p>
<p>If you identified any negative effects (see questions 3a) or discrimination what measures have you put in place to remove or mitigate them?</p>	<p>N/A</p>
<p>Have you identified any further ways that you can advance equality of opportunity and/or foster good relations? If so, please give details.</p>	<p>Ensure that systems and processes are robust and that decision making is understood by all staff and is fair and transparent.</p>
<p>What steps do you intend to take now in respect of the implementation of your policy/service plan?</p>	<p>Continue as planned.</p>

6. MONITORING AND REVIEW

If you intend to proceed with your policy/service plan, please detail what monitoring arrangements (if appropriate) you will put in place to monitor the ongoing effects. Please also state when the policy/service plan will be reviewed.

We will implement the monitoring arrangements from a service and individual team member level. Staff will be provided with CPD session on ensuring that quality is

built into the service delivery and this will be monitored through Supervision and Appraisal arrangements. We will also adopt the following:

- Review any complaints and Tribunals for evidence of where improvement is required.
- Ensure that any deficiencies detected are shared with the whole team as a learning exercise as well as with individuals
- Monthly reporting will form part of the suite of performance measures
- We will continue to gather feedback from partners and stakeholders including parents and young people in order to assess the impact of practice and identify any equality and discrimination gaps.

COPIES OF THIS EQUALITY ANALYSIS FORM SHOULD BE ATTACHED TO ANY REPORTS/SERVICE PLANS AND ALSO SENT TO YOUR DEPARTMENTAL EQUALITY REPRESENTATIVE FOR RECORDING.