

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.

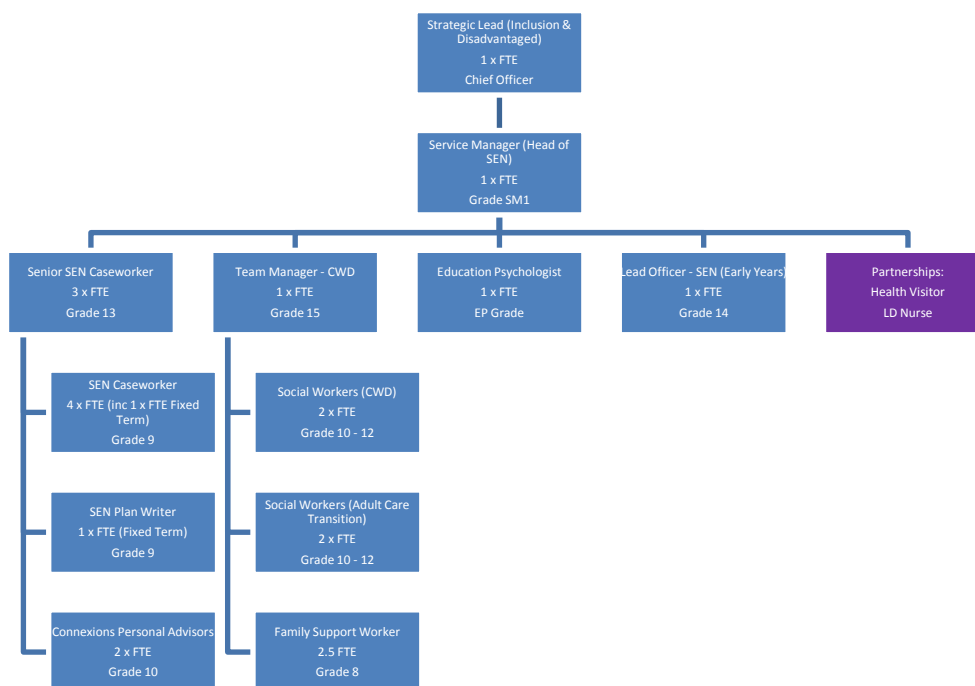
Benefits

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:

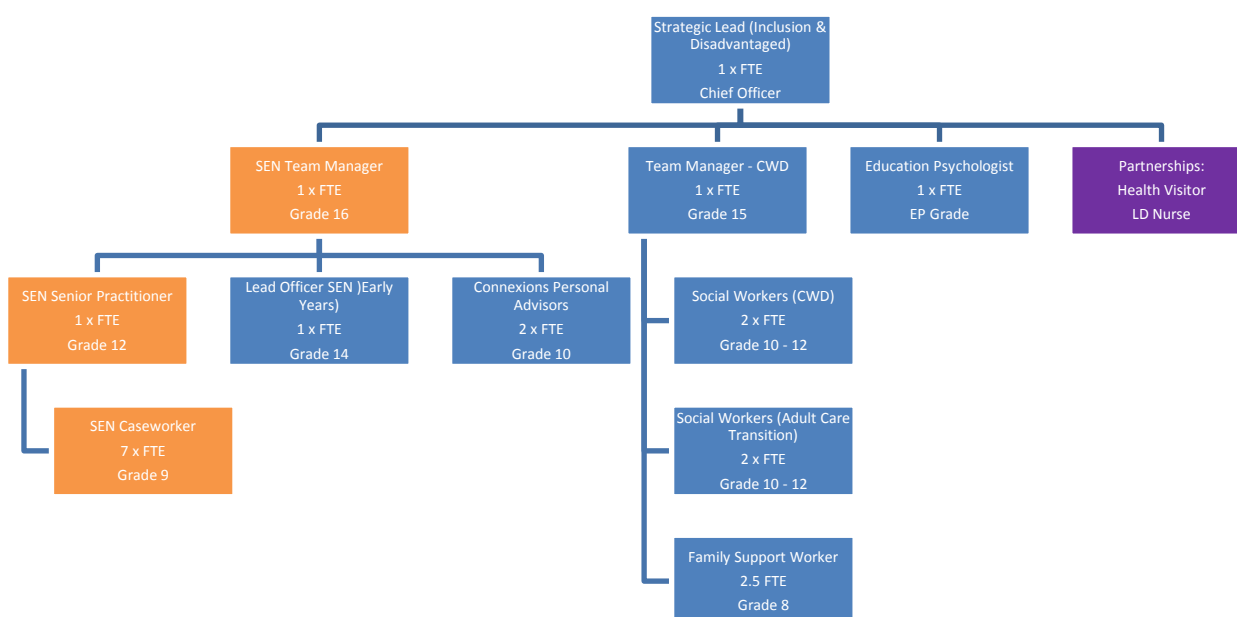
- Reducing the volume of complaints and First Tier Tribunals.

- 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. 	

Risks & Mitigations

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.
<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.</p> <p>Integrate SEN Service with the wider services that support children and young people e.g. Early Years and Early Help.</p> <p>Consideration of the proposal.</p>

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:_____