

Classification: Open	Decision Type: Key
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Report to:	Cabinet	Date: 14 December 2022
Subject:	Children’s Services Education and Early Help Restructure Proposals	
Report of	Cabinet Member for Children and Young People	

1. Introduction

- 1.1 This report is to seek Cabinet approval in principle to progress to formal consultation with affected staff on the next phase of the transformation of Children’s Services, setting out proposed changes to the Education Directorate.
- 1.2 This builds on the first phase transformation that focused largely on changes to the Social Care Directorate, which were previously agreed by Cabinet, and are currently being implemented.
- 1.3 This second phase also impacts on elements of the existing Early Help services, given that a number of the statutory education functions are currently delivered from within the Early Help Service.
- 1.4 Whilst alignment of these services from Early Help, into the Education Directorate, was referenced in phase one, following consultation it became clear that all proposed changes relating to the education statutory functions needed to be considered together and therefore, the re-alignment is now proposed to be included in this second phase.
- 1.5 The ‘Lets Do It Strategy’ sets out Bury’s commitment to economic growth, and for it to outstrip national economic growth. For this to be achieved, Bury’s education system needs to strengthen, with a focus on improving all pupil’s outcomes, including the outcomes of the most vulnerable, and those children with identified Special Educational Needs and Disabilities. There needs to be an improved proportion of good or better schools within Bury to attract residents to live and work here.
- 1.6 In order to achieve an improved education system, the directorate needs to focus on improving the delivery of its statutory functions and providing improved training, advice and model policies to influence and assure the wider school system.
- 1.7 Bury’s Children’s Services is committed to an improvement journey and within the Childrens and young people’s plan its aspiration is that all children and young people in Bury reach their potential, are happy, healthy, and safe, and are therefore able to make the best use of their skills to lead independent and successful lives.
- 1.8 To enable this to happen, and to better safeguard all our children and young people there needs to be a robust approach towards children missing in education, children who are electively home educated, children not in full time education, children who are severely or persistently absent, and those who are excluded or at risk of exclusion.
- 1.9 In addition to improvements to Children’s Social Care and safeguarding all our children, Bury’s Childrens Services are committed to improvement to our Special Educational Needs and Disabilities provision.

- 1.10 The Government has recently published its SEND green paper consulting on changes to the way in which services for children and young people with Special Educational Needs and disability (SEND) and their families, are provided.
- 1.11 Phase two of the transformation programme will therefore focus on increasing the effectiveness of Bury Council's statutory education functions, including those related to SEND.
- 1.12 By necessity the second phase of the restructure will also review the current arrangements for the delivery of non-statutory and traded functions, to ensure that resources are directed to clear priorities.
- 1.13 Given the pressures on the High Needs Block (HNB) of the Dedicated Schools Grant (DSG), Phase two must consider the implications to those services that have historically been financed through the HNB. This includes both statutory and discretionary services. The Department for Education (DfE) has made clear that the HNB should not be used to support a number of these functions.
- 1.14 Additionally, grant funding that has previously been available through the DSG to support central education services is being removed incrementally, and will not be available in future years.
- 1.15 The council has also lost its ability to trade attendance services, with statutory changes to attendance guidance which are expected to come into effect from September 2023, and which states that councils must provide support, advice and guidance to all schools, including Academies and Independent schools, and cannot charge schools to deliver its statutory attendance function.
- 1.16 Taken together, this significantly reduces the resources available to support the delivery of the Council's statutory functions relating to education, but at the same time, places additional demands on the Council and for which it can no longer rely on the DSG/HNB to fund.
- 1.17 Phase two therefore looks to consolidate available resources to ensure the effective delivery of the Council's statutory education duties within a clear organisational structure that ensures clarity of responsibility and accountability, but to be achieved through the disestablishment or rationalisation of discretionary services, so that limited resources can be directed towards strengthening the delivery of the Council's statutory role.
- 1.18 The aim of the restructure is to realign services to ensure clearer lines of accountability, whilst increasing the resource available to strengthen SEND services and our approach around vulnerable children in Education, including increased effectiveness in the discharging of our statutory education duties around attendance, exclusions, Children Missing in Education, Elective Home Education and those children who are persistently absent or severely absent.
- 1.19 The financial and organisational implications are set out in detail in the accompanying appendices. The consultation will impact 72 individuals across the CLAS service, school attendance and education welfare service, admissions and pupil place planning, additional needs team, the primary SEMH team, the SEN assessment team, the Inclusion service, and the Quality Standards and Performance team.

- 1.20 The overall change is a reduction of 12.72 FTE posts and an indicative cost reduction of £964k.
- 1.21 However, there will also be an associated loss of trading income totaling £507k, a reduction in grant contribution (DSG) of £89k and the impact of the currently unfunded element of the CLAS service totaling £1,089k.
- 1.22 The £1,089k unfunded element of CLAS has arisen due to the service previously being part funded through DSG to the value of c £700k in previous years. As reported previously to Cabinet on 7th September 2022 in the 2021/22 Outturn report these costs are no longer allowable expenditure against the DSG and so this has resulted in an ongoing unfunded pressure. In 2021/22 this was funded through the one-off use of reserves.
- 1.23 In addition, baseline CLAS staffing costs were in excess of the previous DSG contribution and traded income to the value of c £400k per annum which contributed to the reported overspend position at 2021/22-year end.
- 1.24 After allowing for some additional expected income, the net result across the directorate of the proposals is an overall additional budget requirement of £694k, which includes the impact of making a number of fixed term roles permanent.

2.0 Recommendations

That Cabinet:

Agree in principle the commencement of consultation with affected staff in January 2023 on the proposed structural changes to the education division, as set out within the body of this report.

Note that this agreement is subject to identification of sufficient recurrent funding upon receipt of the Local Government Settlement in late December.

Delegates authority to the Executive Director of Children and Young People and the Cabinet Members for Children's Services and HR and Corporate Affairs, in consultation with the Director of People and Inclusion and Monitoring Officer and S151 Officer to consider responses received from the consultation and produce a final version of the structure.

2.1 Reasons for recommendation(s)

The proposal sets out a plan of transformation of Children's Services, necessary to both integrate and align services to improve the delivery of our statutory education responsibilities across education and SEND.

As Executive director of Children's Services this proposal is in my view necessary to improve outcomes for children and families in Bury and to meet the requirement to improve, and imposed upon us by the DfE, and to deliver transformation across education and SEND.

The proposal will;

- Enable the effective delivery of the Council's statutory duties in relation to education

- Strengthen the council's ability to effectively assess and meet needs of children with identified SEND
- Strengthen the role of the Bury in its duties to vulnerable children and education including those missing from education, severely or persistently absent, excluded from school or those children who are electively home educated.
- Given the scale of change proposed, the work leading up to this proposal has been developed and supported by colleagues across the executive.

2.3 Alternative options considered and rejected

The rationale for the proposal is driven by the requirement upon Bury Council to improve Children's Services, which includes the need to ensure compliance with statutory legislation and to align and strengthen our services around SEND and statutory duties in relation to Elective Home Education, Children Missing in Education, attendance and exclusions.

3 Background

- 3.1 The previously agreed Children's and Young People's Directorate restructure (Phase one), with the accompanying request for additional funding to support its implementation, was informed by the findings of the recent ILACS Inspection and therefore, largely focused on Social Care and Early Help.
- 3.2 The need to re-align all education statutory functions within the Education Directorate was recognised in the phase one report. However, the changes to funding arrangements impacting on a number of education functions has meant that a separate review of those functions has been undertaken, and the outcome from this informs phase two, as set out in this report.
- 3.3 The Council is committed to improving outcomes and life chances for all children and young people in Bury, and ensuring that all are safe, happy, healthy and have the skills to live successful and independent lives.
- 3.4 The Council's Let's Do it Strategy sets a vision for Bury to be a place in which people are helped to make the best of themselves and where everyone can explore their dreams. It is therefore important, in order to achieve this aim, and for economic growth to be accelerated, that Bury's education system improve to support a skilled workforce and ensure Bury is an attractive place to live and work.
- 3.5 The proposed restructure of functions will support the delivery of the Council's statutory duties in relation to education and will strengthen and improve the effectiveness of the delivery of those functions and provide services which deliver sustainable outcomes for our children and young people.
- 3.6 Phase two is also informed by the Council's need to better meet the needs and outcomes of all children including those with identified Special Educational Needs and Disabilities; those at risk of exclusion; and the need to improve educational outcomes for all children and young people, including ensuring an improving proportion of good or better schools.
- 3.7 The proposals must also therefore be considered in the context of Bury's broader challenges across the Local Area with regard to SEND. This follows two joint Ofsted

CQC inspections in 2017 and 2019 which identified a number of areas for improvement, and in anticipation of a further local area inspection due in early 2023.

- 3.8 The Council is one of five local authorities included in the first phase of the Department for Education Project Safety Valve. This deficit reduction intervention is focused on improving SEND outcomes whilst also addressing the financial demand pressures on the High Needs Block.
- 3.9 Bury has accumulated a financial deficit on the HNB over a number of years as a result of the high cost, and significant demand pressures in relation to the provision of services to children and young people with SEND. The agreement with the Department for Education is for the Council to eradicate the deficit on the High Needs Block by 2025. This can only be achieved by transforming the way services are delivered, and also by critically reviewing and reducing discretionary spend against the HNB.
- 3.10 The publication by Government of the SEND green paper in March 2022, and the PSV agreement demonstrate the need to review our Local Area, and highlight the need to transform SEND services in co-production with our parents.
- 3.11 Although the SEND green paper and PSV support the case for change, fundamentally, the need to urgently improve Children's Services; ensure our most vulnerable children are safeguarded through improved statutory education functions; the need to improve our SEND provision; and improve outcomes for all Bury's children, are the key drivers for the need for change.
- 3.12 In order to improve education outcomes, Bury Council needs to define its role as a Local Authority Education Directorate in a much clearer way. Its core purpose, driven by its statutory duties, will focus on a number of key areas:
 - Safeguarding
 - Vulnerable children including SEND
 - Transport/travel assistance
 - Virtual School
 - Attendance – increased statutory duties
 - Elective Home Educated CYP
 - Children not in full time education
 - Children Missing in Education
 - Behaviour/Exclusions
 - Pupil place planning/sufficiency
 - Admissions
- 3.13 Bury's education directorate will focus on its role in place shaping, strategic planning of the education system to support communities, promoting growth and economic regeneration, through a strong local school system linked to a wider skills agenda, whilst being champion for all children and young people, and ensuring the most vulnerable are supported effectively.
- 3.14 In setting out these core duties, it is clear that other activities that have previously been delivered by the LA will, in future, more appropriately sit within the school system. As an example of this, the Government has published new attendance guidance which will become statutory by September 2023 which focuses on the changing duties and role of Local Authorities [Working together to improve school attendance - GOV.UK](#), and the increasing responsibilities placed on schools.

- 3.15 The funding available to the LA to support the delivery of its education functions is falling, the DSG central services grant is reducing, and the School Improvement Monitoring and Brokering Grant has been removed. Alongside this, opportunities to de-delegate funding from the DSG to support services will be lost with the transition to a national funding formula for schools, and ability to trade services with schools and Trusts will significantly reduce.
- 3.16 Moving forward, in order to ensure that the LA can focus on those areas for which it retains statutory responsibility, it will look to disestablish those services that are discretionary and focus the resources available to it on the delivery of its core, statutory function.
- 3.17 Alongside this, the LA will work with the school system, and in the context of the emerging changes from the Schools White Paper, to ensure that children and young people receive the support they need, and that this is provided from the appropriate part of the school system.
- 3.18 The functions and responsibilities of the Directorate therefore extend beyond the direct management of the teams within the organisational structure but must work with all parts of the school system, including school leaders, governing bodies and Trust CEO's. There are key roles in shaping & challenging the system, facilitating and holding to account. This requires the Council to be clear and confident in its role, have the capacity, including at sufficient seniority, to provide this challenge across an increasingly diverse school landscape.
- 3.19 The proposed team structures reflect the wider corporate strategic intention of flatter organisational tiers and spans of control of 1 – 6, where possible, but recognises that as a universal, outward facing Directorate, the relatively small number of teams have a very broad responsibility which includes working with, and holding to account over 80 schools, and the direct relationships with school leaders, governing bodies and Trust CEO's, each of which has a responsibility for the outcomes the Council is striving to achieve.

4 Education Services

4.1 Current Position

- 4.2 The Education Directorate is currently organised across two substantive divisions focused on education services, and on SEND & inclusion services. Both divisions include teams that deliver both statutory and discretionary activity.
- 4.3 Alongside this, a number of services are delivered through teams based in the Early Help and Social Care Directorates.

The education services division currently has responsibility for:

- Quality Standards Team
- School Organisation/Pupil Place Planning/sufficiency
- Admissions
- Governance
- Asset management
- School & college transport/Travel assistance
- School crossing patrols
- Curriculum Language Access Service

The SEND/Inclusion division has responsibility for:

- Education Health & care Plan assessment team
- Educational Psychology Team
- Additional Needs Team
- Children with Disabilities Team
- Strategic Special Education Needs

The Virtual School has responsibility for the education of all Children Looked after by the Local Authority and this is being increased to include those children known to Social Care.

The following functions are delivered through Early Help or Social Care:

- Attendance/Education Welfare
- Statutory enforcement – attendance/licencing
- Elective Home Education
- Children Missing Education
- Safeguarding in schools

4.4 **Quality Standards & Performance**

- 4.5 Limited resources available to support school improvement activity has resulted in a narrow focus on Quality Standards and Performance that has not fully equipped our school leaders on the wider aspects of school leadership and school improvement which are inextricably linked with the inclusion agenda.
- 4.6 The Council currently retains a duty around the quality of education however, it is likely that this duty will be removed. In addition, the Council needs to be cognisant of the removal of the school monitoring and brokerage grant which will result in a funding gap in relation to the current Quality Standards team. The value of this grant in the 2022/23 financial year is £89k.
- 4.7 In respect of Quality Standards & performance, in 2021 only 83% of primary schools were deemed to be good/better. The role of the Quality Standards team was broadened and been enhanced by the establishment of an additional 1fte fixed term post, which has had a direct impact resulting in an increase in proportion of good or better schools. However, overall Bury still has the lowest proportion of pupils attending good or better schools in the Northwest, with 51% of our secondary schools being currently judged to be less than good.
- 4.8 There are still risks within the system and, whilst our statutory responsibilities in respect of school improvement outcomes are likely to diminish as legislation changes and more schools become academies, the Council will continue to be accountable for the school system, and how effectively it supports our children and young people.
- 4.9 Whilst this transition takes place it is more important than ever that Bury retains an influencing role with our schools, and more firmly establishes its shared principles founded on ensuring increased quality and opportunities for our most vulnerable and ensuring all our children are in full time education.
- 4.10 To ensure school leaders meet the needs of our most vulnerable children, there is still a need to support and challenge schools and hold to account around safeguarding,

attendance, inclusion, SEND, exclusions, finance and currently outcomes. To do so, there needs to be a strengthening around the relationship between inclusion and the school self-improving system. Therefore, it is proposed to make the fixed term Quality Standards Officer permanent to ensure that there is increased influence in the system as we improve our proportion of good or better schools.

- 4.11 It is also proposed to change the role of the Quality Standards lead officer to a Senior School Assurance lead, who will oversee outcomes, the school improving system, attendance, exclusion and education safeguarding, elective home education and education in the community team.
- 4.12 Currently the Quality Standards and Performance Team comprise the service lead, with two Quality Standards and Performance Officers. These are linked to a locality with responsibility for improving outcomes and the overall performance of schools in that area. These posts are by necessity outward facing posts and must be of sufficient seniority to be able to challenge and support our school leaders, and Trust CEO's on standards and safeguarding, and increasingly on all aspects of inclusion.
- 4.13 Following phase one of the restructure when the Governance team was transferred to the line management of the Quality Standards and Performance Team, it is now proposed to significantly expand the Team to also include accountability for attendance and exclusions.
- 4.14 In addition, education safeguarding has been significantly under resourced with just one officer for the wider school system. The proposal includes the establishment of a Community Education and Safeguarding team to strengthen safeguarding function across our school system, and ensure better oversight over Elective Home Education, Children Missing in Education, and Alternative Provision, whilst also providing support for international New Arrivals and children not in full time education.
- 4.15 It is also proposed to move two inclusion lead posts, currently line managed within the SEND/Inclusion Service, into this team to increase lines of accountability around exclusions. These will report to the two Quality and Standards Officers to strengthen the links between leadership accountability, school improvement and inclusion. In addition, it is proposed that the two primary inclusion leads have increased responsibility for the use of Alternative Provision,

4.16 Bury Curriculum and Language Access Service (CLAS)

- 4.17 Bury Curriculum and Language Access Service (CLAS) works with schools, children and young people and their families to promote positive educational outcomes and increase the life opportunities for pupils from Minority Ethnic communities, particularly those pupils who are learning English as an additional language, are from Gypsy, Roma and Traveller communities, or are asylum seekers or refugees. This includes:

- teaching pupils in schools;
- strategic and project work with schools;
- liaising with families before children are placed in school;
- liaising between schools and families;
- professional development for education and other staff working with Minority Ethnic and EAL learners; and
- interpreting and translating for schools.

- 4.18 The primary source of funding to support the service had been the Dedicated Schools Grant High Needs Block (HNB). For 2022/23, this cost has been transferred to the Council's General Fund, to reduce the demands on the HNB, but on the basis that the costs were reduced at the earliest opportunity. This currently remains unfunded and is an ongoing cost pressure, which is being mitigated in 2022/23 by the use of reserves.
- 4.19 In addition, the Service generates income from Bury schools via a traded offer, funded from delegated school budgets. The Service also generates income through traded work with schools in other local areas. It is for individual schools to determine whether they wish to buy-back into the Service through this traded offer. The income generated does not cover the full costs of the service. The changes proposed in this paper will mean that the Council no longer generates this income.
- 4.20 Not all schools require access to the Service, and of those that potentially require access to a similar service, they determine the manner in which they make arrangements, either through the direct employment of staff, or through the procurement of support from a third party.
- 4.21 In 2022/23 Bury schools received £1.3m of funding directly in relation to English as an Additional Language (EAL) provision, but less than £200,000 of this was used by schools to buy-back the services of CLAS. In addition to schools buy-back, additional income is received for translation services of c £100k. Since 2011, the Local Authority has not received any direct funding for EAL but has continued to subsidise the service through the High Needs Block. The CLAS Service establishment is 26.47 FTE posts at a cost of £1.4 million.

4.22 Need for change

- 4.23 Many local authorities ceased to offer services similar to CLAS from 2010 onwards, when the Government removed local authority funding for many school improvement functions. Bury has continued to provide the service and has funded this through a combination of the HNB, and by initially de-delegating funding from the DSG avoiding the need for individual schools to buy-back the service through the traded offer.
- 4.24 In recent years, the ability for local authorities to de-delegate from the DSG has been removed, and the Service is now reliant on individual schools buying-back the Service to generate income. This gives individual schools the opportunity to decide if they wish to make use of the service, or access support in other ways. This reliance on buy-back places a risk on the Service, in maintaining a consistent level of income from schools. Whilst income from the traded activity presents a risk, it still only represents the minority of the funding necessary to support continued delivery of the Service.
- 4.25 Historically the High Needs Block, the primary purpose of which is to meet the costs of support and provision for children and young people with Special Educational Needs, has been used to meet the cost of a number of discretionary services, including CLAS.
- 4.26 Project Safety Valve is a DfE intervention programme in a small number of local authorities where the accumulated deficit against the HNB is significant. The programme is designed to address the factors that have driven the funding pressures resulting in the high level of deficit.
- 4.27 As part of the measures contained in Project Safety Valve, a commitment has been given to the DfE to remove discretionary spend against the HNB, where it has been

used to support non-statutory services. This includes the funding that has historically subsidised CLAS.

- 4.28 The Council is moving increasingly to a model whereby it focuses on delivery of its core statutory functions only. Consequently, it will move away from the provision of traded activity and delivery of discretionary services, including CLAS.
- 4.29 It is therefore proposed that the service will be disestablished.
- 4.30 The Council will establish two new posts to support the delivery of its core functions in relation to key vulnerable groups of children and young people. These posts will be ring-fenced to relevant individuals in those posts to be dis-established in line with Council policy. These two posts will sit within a newly established Community Education and Safeguarding team.
- 4.31 Attendance, Education Welfare, Children Missing in Education, Elective Home Education.**
- 4.32 Currently all education functions pertaining to the Ofsted ILACs framework sit in Early Help, including a number of the Council's education statutory duties.
- 4.33 Functions in relation to Attendance, Education Welfare, Children Missing in Education, and Elective Home Education are delivered by the School Attendance Team. The current team is in part traded provision with approximately 50% of schools buying the service, and which supports those schools in respect of attendance issues including direct work with parents, children, and management of parent contracts.
- 4.34 The team also provides the statutory element of court proceedings in respect of attendance across the whole cohort of schools. In addition, the team also provides the assessment and review linked to Elective Home Educated (EHE) children, children in receipt of home tutoring and monitoring of children missing education (CME). The team provide the support and statutory elements of the work related to child licensing
- 4.35 The current structure has one statutory officer post within it. The role of this one post is to carry out all the statutory functions relating to education including attendance, fixed penalty notices, exclusions, and Children Missing in Education. This one post oversees the Penalty Notice system, from authorising requests from schools right through to prosecution and undertaking all key decision making; oversees the case Management of Education Welfare Officers in the team; overseeing all legal processes and Section 444 (1A) prosecutions; chairing the Legal Enforcement Meetings to meet PACE 1984 requirements; representing the Local Authority when Permanent Exclusions are considered; attending where possible all Governors Disciplinary Meetings; and responsible for Children Missing in Education.
- 4.36 The Education Welfare Officers within the Service have been working as a team with one officer having a lead role in respect of Elective Home Education and the other officers having a case load of children and working with schools and families on individual cases as directed by schools. There have been challenges around capacity in regard to Elective Home Education initial assessment and monitoring.
- 4.37 Prior to 2021, Bury had no access to school register which made it challenging to have a targeted approach. Live attendance data continues to be a challenge. However, the DFE data base allows increased access, and the aim is to have live access to all attendance registers to ensure safeguarding and improved inclusion.

4.38 In light of the Governments guidance set out in [Working together to improve school attendance](#), taken together with the Childrens Improvement Plan, there is a need to change the core functions of the team.

4.39 In summary, the Local Authority must:

- Have a strategic approach to improving attendance for the whole area and make it a key focus
- Have a school attendance support team that works with all schools in their area
- Provide each school with named point of contact
- Offer opportunities for all schools to share good practice
- Hold termly conversations with every school to identify, discuss and signpost or provide access to services for pupils who are persistently absent

Schools must:

- Must have an attendance policy available on its website
- Develop a culture that supports and promotes good attendance
- Accurately holds admissions and attendance data
- Has a dedicated lead with responsibility for championing and improving attendance
- Uses data effectively to identify pupils at risk of poor attendance
- If there are persistent issues re attendance -schools are expected to contribute to multi agency work with the LA and partners to support families which includes acting as the lead professional when school is best placed to do so
- Offer support to families to address attendance concerns
- Put in additional targeted support in place where absence becomes persistent
- Where support is not working, work with the LA on legal intervention
- Work with schools in the area where siblings attend (whole family approach)

4.40 Proposal

4.41 The proposal is to disestablish the current 7.4 FTE Education Welfare Officer posts, then create discrete posts covering CME, EHE, Attendance and exclusions advice, and attendance advisers linked to the early help locality teams in line with government guidance.

4.42 Bury has 82 schools and the new guidance extends to independent schools of which there are 5 in Bury. Each school will need to be visited every term by an attendance officer from within the LA. In addition, the LA will need to have a point of contact for any school wanting further advice on attendance issues including pathways to support.

4.43 In order to meet the new guidance and the associated additional demands across all schools, the LA will need to commit additional resources to meet the requirement. It is proposed that

- attendance officers will be available across the 3 locality teams (which covers the 5 neighbourhoods) and will work with school clusters of approximately 27 schools. Those attendance officers will be available to support, direct and contribute to the multi-agency plans for children where there are concerns in relation to attendance
- 4 senior attendance and exclusion officers will sit within the central team and will carry out the term time meetings to quality assure the schools, strategic approach to attendance, their policies and procedures, recording as well as ensuring that

schools are progressing plans for children at risk of non-attendance or persistently absent. These senior officers will oversee the Penalty Notice system and PACE meetings in addition to the statutory officer who will provide additional expertise.

- An additional grade 5 attendance support officer will support the issuing of Penalty Notices.

4.44 It is envisaged that with increased capacity and increased assurance in the system, a greater number of penalty notices will be issued and therefore the money paid in FPN will offset the cost of the grade 5 officer.

4.45 In addition, two officers who are qualified teachers will provide the initial assessment and annual monitoring of all children educated at home (EHE) and track and monitor children missing education (CME). It is proposed that these posts work within the newly established Community Education and Safeguarding team.

4.46 Education safeguarding

4.47 Current position

4.48 Education Safeguarding and ensuring school leaders, Designated SLs and the wider school system have safeguarding as a key priority is necessary to allow our children and young people to feel safe in school. There is currently one safeguarding education officer who until the recent restructure reported into Social Care rather than the school system

4.49 Proposal

4.50 Education Safeguarding is key to ensuring a safe school system in Bury and it is proposed to move the Education safeguarding function to the Quality Standards & Performance service.

4.51 It is proposed to establish a Statutory Education safeguarding Manager, grade 14, which will be responsible for statutory duties in regard to education safeguarding and education in the community, including Elective Home Education and those children not in full time education. This post will be responsible for ensuring consistent advice, support and challenge to the school system around safeguarding in schools, to Senior Leadership Teams, Headteachers and CEOs in relation to safeguarding issues, including the role of the DSL, advice and guidance around policies and procedures, and advice around managing harmful sexual behaviour.

4.52 It is proposed that the established Statutory Education Officer grade 11 reports to the Statutory Education Safeguarding Manager. In addition, the team will include the broader four community learning officers, with responsibility for Elective Home Education, Children Missing Education and International New Arrivals and traveller education.

4.53 Education Services (Admissions, Place Planning and Transport)

4.54 Currently, the Education Services manager oversees Asset management, Admissions, Performance, statistics and planning including the school census, the Governance team, Home to school and college transport, and the school crossing patrol team.

- 4.55 Project Safety Valve and the lack of historic special school place planning, together with the issue of falling rolls within primary settings has highlighted the need to align the functions of special school place planning and mainstream pupil place planning, and to develop capacity within the team to ensure that the system is less reactive and focuses more on forward projections and planning.
- 4.56 It is therefore proposed to disestablish the statistics, planning and performance officer at a Grade 10. It is proposed to establish a place planning post to focus on both mainstream place and specialist place planning to support SEND sufficiency.
- 4.57 It is also proposed to establish a grade 10 post as an access to education officer to ensure all EHE/CME applications and notifications are logged between the two systems; the officer will support the in-year Fair Access panel for both primary and secondary and will be responsible for the development and upkeep of the statutory registers of EHE/ CME/Children not in fulltime education.

5.0 SEND and Inclusion Service

- 5.1 Currently the SEND & Inclusion Service comprises of the Education Psychology service, the inclusion partnership leads, the Inclusion Team and the Sensory Impairment team; the SEND Team and the Children with Disabilities team.
- 5.2 Bury is continuing to improve its SEND provision and has the opportunity to strengthen a multi-disciplinary approach in regard to outreach. This will support the continuum of provision and it will enable the upskilling of the wider school workforce to better meet the needs of our young people with earlier identification of SEND within our school system.
- 5.3 As a local area we need to better support our schools to meet the needs of pupils at SEN support to avoid the escalation to Education health and Care Plans and to avoid exclusions.

5.4 SEND Team

5.5 Current Provision

- 4.6 The SEND team has been enhanced by transformation monies from Project Safety Valve. The substantive structure includes one Team Manager; two Senior Caseworkers; six caseworkers; one lead Assistant Caseworker; one Assistant Caseworker. in addition, there is funding through Project Safety Valve for one senior caseworker, one Quality Assurance Officer and 5 Assistant Caseworkers.

5.7 Proposal

- 5.8 To ensure stability of the team and to enable the team continue to improve timeliness and quality within the context of increased demand it is proposed to make the fixed term project safety valve positions permanent and therefore transfer these to the core baseline general fund budget.
- 5.9 This would mean an additional one senior caseworker, one quality assurance officer and 5 assistant caseworkers to be transferred from temporary to permanent staffing.

However due to the increasing demands in SEND and to have caseloads under 300 there is a need for additional resource. There is a request to increase the casework team to 8 in light of the 2200 EHCP plans which need annual reviews and on average

50 new assessments a month and to be compliant with the new statutory reporting requirements around timeliness of annual reviews.

5.10 Inclusion Team

5.11 Currently there are three Inclusion Partnership leads, one is employed by Oak Learning Partnership. It is proposed that the two council employed posts move to more closely align with the education services in the quality Standards and Performance Team.

5.12 The Inclusion team has 3 fte Specialist Teachers; 2.2 specialist teaching assistants and then the Primary hub has 3.8 fte teachers and 2.3 Teaching Assistants.

5.13 The team still does direct work, including one to one teaching and TA support in schools as well as offering a limited training offer.

5.14 Reason for change

5.15 There is an urgent need to support mainstream schools to effectively maintain children at SEN support and those with EHCPs; and to better enable all our children to achieve improved outcomes, including attainment, improved attendance, independence goals and much reduced exclusions.

5.16 The proposed changes will better meet the needs which have arisen from the increased complexity of need within the borough.

5.17 There is also an urgent need to reduce the demand for external provision. In order for this to happen we need to better skill our schools and school staff in early identification and early support and intervention by offering training to augment the newly launched Graduated Approach.

5.18 Proposal

5.19 It is proposed to disestablish the Additional needs team posts and the primary hub team posts and to disestablish the Inclusion Service lead post and the additional team manager post.

5.20 It is proposed to establish a specialist outreach team focussed on training the teachers and teaching assistants in schools, ceasing to do direct delivery. It is proposed to augment this central offer with outreach offers from Resource Provision and from our Special Schools

5.21 It is proposed that the Outreach team will have specialisms of ADHD, positive behaviour support, ASD, Assistive technology. It is proposed to have a Specialist Outreach Team Manager and one senior SEN Outreach officer; six SEN Outreach officers and five outreach assistants.

6.0 Consultation

6.1 Should approval to progress to consultation be given on phase 2 of the Children's Services Directorate by Cabinet, agreement from the Trade Unions will be sought to undertake employee consultation.

6.2 The formal consultation is proposed to commence in January when full consultation documentation will be provided to employees and trade unions. Consultation would be

for a period of 30 days. Consultation will include a series of open sessions, one to one meetings with all the affected staff. There will be open engagement meetings for the wider directorate.

- 6.3 There will be engagement with schools around the development of the outreach offer and the changing attendance offer
- 6.4 It is anticipated that implementation of any new structure would take place between March and September 2023, with precise implementation dates dependent on operational demands and contractual obligations.
- 6.5 Employees potentially displaced under these proposals will be considered for early release under the Councils voluntary severance / voluntary early retirement scheme, where this is assessed as meeting the operational needs of the service and is in the financial interest of the Council.

7.0 Financial considerations

7.1 The table below summarises how the net costs have been calculated:

Department/activity	Current FTE	Proposed FTE	Net additional staffing cost (-ve means saving)	Traded income forgone	Currently forecast to be funded in 2022/23 through use of one-off reserve	Ceasing grant contribution	New income to be generated (para 3.42 of the report)	Net additional budget cost/ (-ve saving) after income considerations
Attendance & Community	11.20	16.80	£275,193	£177,000			-£28,371	£423,822
Special Educational Needs	12.00	20.00	£306,469					£306,469
Inclusion	13.85	13.00	-£192,086					-£192,086
Education Services	1.00	2.00	£44,447					£44,447
School Assurance	2.00	2.00	£22,091			£89,000		£111,091
CLAS	26.47	0.00	-£1,419,895	£330,000	£1,089,895			£0
TOTAL	66.52	53.80	-£963,782	£507,000	£1,089,895	£89,000	-£28,371	£693,742

- 7.2 The net reduction in staffing costs shown in the above table is £963,783 however there will also be an associated loss of trading income totalling £507,000, a reduction in grant contribution (DSG) of £89,000 and the impact of the currently unfunded element of the CLAS service totalling £1,089,895 (this is funded in the current year only through the use of a one-off reserve). Some new additional income is forecast against the Attendance team. The net result being an overall additional budget requirement of £693,742.
- 7.3 The £1,089,895 unfunded element of CLAS has arisen due to the service previously being part funded through DSG to the value of c £700,000 in previous years. As

reported previously to Cabinet on 7th September 2022 in the 2021/22 Outturn report these costs are no longer allowable expenditure against the DSG and so this has resulted in an ongoing unfunded pressure. In 2021/22 this has been funded through the one off use of reserves.

- 7.4 In addition baseline CLAS staffing costs were in excess of the previous DSG contribution and traded income to the value of c £400,000 per annum which contributed to the reported overspend position at 2021/22 year end.
- 7.5 With regards to the overall proposal the alternative do nothing approach would retain the currently unfunded element of CLAS (£1,089,895), would still result in the loss of trading income within Attendance & Community (£177,000) and the loss of DSG funding within School Assurance (£89,000), therefore, being an unfunded pressure of £1,355,895, which would show as an overspend.

8.0 Service Restructure Proposals

The appendices attached outline both the current structure and the details of the proposed restructure of Children's Services.

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9.0 Links with the Corporate Priorities:

- 9.1 Our vision for Children's Services links to the Let's Do It Strategy and our values and principals.
- 9.2 With the support of the wider council and its partners we have set out a plan of transformation which is ambitious and seeks to improve the lived experience of children and therefore their outcomes during childhood and beyond, to achieve this a focus upon an effective offer of help and support to those families who face complex issues is required.

9.3 A full departmental restructure is necessary to drive forward our transformation and improve the lived experience of children and young people.

10.0 Equality Impact and Considerations:

9.1 A full equality impact assessment has been drafted which aligns with that produced in support of the phase 1 restructure:

9.2 It seeks to ensure that we deliver inclusive and equitable outcomes for staff and service users which will be central to the operation of the restructured service

The proposed restructure will deliver:

- Compliance with our Statutory duties
 - More effective delivery of the Council's duties for the most vulnerable groups of children and young people
 - Families receiving the right help and support in respect of SEND, exclusion and attendance
 - Improved engagement with schools/Trusts and improved academic attainment
 - Professional collaboration across partnership organisations which provides a holistic joined up service for children and families.
-

11.0 Environmental Impact and Considerations:

Please provide an explanation of the carbon impact of this decision.

- N/A

12.0 Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
Failure to deliver timely improvement in the quality of services will result in the DfE recommending an alternative delivery model for Children's Services and Council control will be lost.	This proposed restructure will ensure the service has the resources to drive forward the Improvements identified within the Let's do it for Children Improvement Plan
Our current staffing structure does not provide sufficient capacity to effectively respond to our statutory duties in a timely way. Additional staffing capacity is required across the directorate to support a more effective model of delivery.	Agreement to move forward with the proposed restructure will provide improved and focused leadership and management, along with sufficient capacity across the directorate to support effective delivery of services. The proposed realignment of services would establish a more coherent and Children's services.

	It will provide additional capacity in critical areas with the additionality of new services coming on stream to deliver more inclusive and effective services in a timely way, preventing escalation and dependence, with the aim of improving outcomes for our children and families.
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13.0 Legal Implications:

- 13.1 This report sets out proposals to strengthen the delivery statutory services and withdrawing from discretionary service areas. Members are asked at this point to agree in principle to these proposals, further work will be required to identify and confirm the recurrent funding streams.
- 13.2 These proposals constitute significant changes. All staff consultation will be carried out in accordance with the consultation tool kit, policies and procedures, legal advice and support will be provided throughout. Following consultation, the outcomes will be reviewed and used to inform the structure.

14.0 Financial Implications

- 14.1 Whilst this restructure results in a reduction in the establishment, due to historic funding arrangements between the Dedicated schools Grant and the General Fund, receipt of non recurrent grants and changes in services which can be traded, thereby resulting in a loss of income this will actually result in an increase in costs of circa £700k to the Councils general fund.
- 14.2 The October Cabinet report on the Medium Term Financial Strategy identified a recurrent budget gap of £29.2m for 2023/24 of which circa £25m of savings and efficiencies had been identified at that time. It was noted at the time there was still a lot of variables and sensitivities that needed to be worked through in terms of the size of the gap, further emerging pressures, the deliverability and robustness of the identified savings proposals, some of which required consultation and the further identification of more savings proposals. Work has continued to identify further proposals to close the financial gap and whilst the Autumn Statement offered some potential options these will not be fully understood until receipt of the Local Government Funding Settlement later this month.
- 14.3 These proposals would add a further £694k to that financial gap and whilst it is believed from the work to date that circa £450k-£500k may be available from favourable variables the full value of these proposals has not yet been identified and is subject to recurrent funding being available through the settlement later this month.

15.0 Background papers:

- Appendix 1 – Current Structure
- Appendix 2 – Proposed Structure

- Appendix 3 - CYP Proposed Restructure Costings



Children
Restructure spreads

- Appendix 4 – Equality Impact Assessment
- Children services restructure proposals 13 July 2022 - (Insert link)

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

Glossary	
DSG	Dedicated Schools Grant
HNB	High Needs Block
SEND	Special educational Needs and Disability
CLAS	Curriculum Language Access Services
DfE	Department for Education
ILACS	Inspecting Local Authority Children's Services framework
EAL	English as an Additional Language
EHE	Elective Home Educated
CME	Children Missing Education