

<b>Classification:</b> Open	<b>Decision Type:</b> Key
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<b>Report to:</b>	Cabinet Member for HR & Corporate Affairs	<b>Date:</b> 09 May 2023
<b>Subject:</b>	Children’s Services Education and Early Help Restructure Proposals. – Post Consultation Implementation Proposals	
<b>Report of</b>	Cabinet Member for Children and Young People	

## Executive Summary

This report seeks approval from the Cabinet Member for HR and Corporate Affairs to implement the second phase of the transformation of Children’s Services, following the conclusion of collective consultation in respect of the proposed transformation of Education and Early Help services. – This consultation followed [approval in principle by Cabinet in December 2022 to the commencement of consultation with affected staff](#) and approval to the details proposals as a basis for consultation by the Cabinet Member for HR and Corporate Affairs in March 2023.

Urgent approval is needed in order to progress the proposed changes before 31 May deadline to service notice of redundancy to those engaged on Teachers’ Terms and Conditions.

Collective consultation has now concluded on the proposal which are essential to assure the Council’s ability to deliver its statutory obligations in relation to Education and to stabilise the Department’s budget position. The proposals included a requirement for further general fund investment of £695k (as agreed by Cabinet) in the context of a net overall reduction in staffing costs of £835k related to a reduction in grant contribution (DSG) and the impact of the currently unfunded element of the CLAS service. The proposed changes also make permanent a number of posts currently funded on a fixed term basis through Project Safety Valve transformation funds and take account of a loss in traded income in relation to the attendance team.

It should be noted that these changes are set in the context of wider ongoing work to understand and assure an appropriate funding approach across the Council’s base budget and the Dedicated Schools Grant going forward.

The proposals agreed as a basis for consultation indicated that a total of 44 staff would be at risk of redundancy and 75 staff in total would be impacted directly by the proposed restructure, with a net reduction of 12.72 FTE posts across the Department. Following consultation and the proposed changes this redundancy risk has reduced to 35 and the net reduction in posts to 10.72 FTE, due to additional posts being introduced to strengthen the SEND offer. – The Council will work to further reduce the number of eventual redundancies by supporting staff in-line with the organisation’s agreed redundancy and redeployment processes.

The proposed changes include the disestablishment of the Curriculum Language Access Service (CLAS) which will involve the disestablishment of 32 posts and represents the vast majority of the redundancies noted above.

The total (one-off) redundancy costs associated with the changes are currently estimated at £541k inclusive of £463k in redundancy costs which will be met through flexible use of capital receipts in line with the strategy approved at Budget Council and £78k in capital costs associated with the early release of pension benefits, which will be met from the Council's fund held centrally with the Greater Manchester Pension Fund. These costs were not included within the original Cabinet Report and are set out here for approval recognising the crucial ongoing savings which will be delivered through these changes.

### **Recommendation(s)**

That the cabinet member for HR and Corporate Affairs is asked to:

1. Approve the implementation of the proposed structural changes to the education division, following collective consultation, as set out within the body of this report.
2. Approve payment of the redundancy costs of £463k as set out above through the flexible use of capital receipts in line with the strategy approved at Budget Council.

### **Reasons for recommendation(s)**

The proposals, which have now been consulted on, set out a plan of transformation which is necessary to both integrate and align services to improve the delivery of the Council's statutory education responsibilities across education and SEND. These changes are necessary to improve outcomes for children and families in Bury and to meet the requirement to improve imposed upon us by the DfE.

Implementation of the consultation 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.

The changes will also support the stabilisation of the Council's budget position across both the DSG and General Fund.

### **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.

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## **1.0 Background**

- 1.1 Children's Services are committed to an improvement journey. Within the Children and Young People's plan, the Council's 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.
- 1.2 Following the Ofsted inspection of the local authority's Children's Services in October 2021, a transformation strategy was developed to respond to the findings of that inspection. The inspection focused on the local area arrangements for social care and safeguarding but extended to functions that relate to the LA's statutory duties in relation to education.
- 1.3 Phase one of the transformation strategy focused on the changes necessary within social care and safeguarding, with resultant changes implemented in 2022. Phase one also sought to address some aspects relating to education but, following consultation, the proposed changes were largely deferred pending a wider review of the Education and Skills functions.
- 1.4 Phase two of the transformation agenda has focused on the changes required to be made to the Education and Skills division. – The detailed rationale for the proposed changes is set out in the December 2022 Cabinet report.

## **2.0 Consultation Methodology**

- 2.1 Following the Local Government Services Consultation Meeting held on Friday 10<sup>th</sup> March 2023, collective consultation took place over the period from Monday 13<sup>th</sup> March 2023 until Friday 21<sup>st</sup> April 2023; this consultation period was slightly extended beyond the statutory 30 day minimum at Trade Union request to take into account the Easter holidays.
- 2.2 Three general briefings were held in March which were attended by seventy employees. Trade Union representatives were also present at all three briefings. In addition 46 employees engaged in individual consultation meetings and a further 7 employees were communicated with in writing either due to sickness absence or at their request. Team meetings have also taken place in some areas.
- 2.3 A response has been provided either individually or collectively to the feedback received during the consultation process and the full details of the final proposals have been shared with Trade Union colleagues.

## **3.0 Consultation Feedback**

- 3.1 Consultation feedback has included a general understanding and acceptance of the need for change and no real concerns in principle about the direction of travel, which is a positive.
- 3.2 There have been many questions as to how any changes will impact people on a personal level which have been responded to, either within one to one meetings and follow up discussions, or which will be answered as part of the confirmation of implementation. There have also been a number of questions about implementation

planning and the approach to transition from old to new ways of working which will be addressed with staff following confirmation of the final model to be implemented.

- 3.3 Some consultees provided detailed feedback on specific job descriptions and titles, and practical working arrangements going forwards. Where appropriate job descriptions and / or titles have been revised and re-evaluated. The intention is also to establish a number of staff working groups to support the detailed implementation planning and relationships between new teams. This will include consideration of the transition from term-time-only to all-year-round operation in some parts of the Service.
- 3.4 Concern was raised by some members of staff that the proposal seemed to move away from the Council policy of agile working and flexible working, but it has been confirmed that this is not the case and that those policies remain valid but as always remain subject to the needs of the service and/or role.
- 3.5 Some staff raised concern about some future roles not being on Teachers' terms and conditions and the implications for recruitment and retention. It has been confirmed that Teachers' Terms and Conditions are only applicable if the post requires direct teaching and that we are confident of being able to recruit and retain appropriate caliber staff within the terms being offered.
- 3.6 A summary of some of the frequent questions and answers has been provided in Appendix A

#### **4.0 Proposed Changes Following Consultation**

- 4.1 Following consultation a number of changes are proposed to the details of the structure approved by the Cabinet Member for Corporate Affairs and HR as a basis for consultation. These changes respond directly to staff feedback. The proposed changes do not substantively change the nature of the service model agreed as a basis for consultation and do not affect the financial position in terms of the overall cost reduction or resource need. Where job descriptions have been amended they have been subject to re-evaluation and moderation in line with Council process.
- 4.2 Key changes to the structural proposals and staff implication following consultation are:
  - In the approved cabinet report it was proposed to move two existing Inclusion Lead posts, currently line managed within the SEND/Inclusion Service, into the Community Education and Safeguarding Team. This has reverted, and the posts will remain in SEND and Inclusion.
  - It is proposed to amend one of the Senior Attendance and Exclusions Officer posts to oversee the Attendance and Exclusions support team this has increased the grade from Grade 10 to Grade 12. The remaining six officers will all be referred to as Attendance and Exclusions Officers, rather than Senior Attendance and Exclusions officers, with named officers per locality. The grade for the six Attendance & Exclusions Officers remains at Grade 10
  - In addition, the single Grade 11 Statutory Officer post will continue to report directly to the School Attendance, Exclusions and Community Education Manager will take line management responsibility for the Attendance & Exclusions Support Officer to provide oversight and supervision of the LA's legal obligations in processing legal actions under relevant Education Act legislation. The additional supervisory responsibility does not impact the grade of the role.

- The posts of Grade 12 Community Learning Officers will no longer have Qualified Teacher status as an essential criterion which is amended to include 'or equivalent significant relevant professional experience. There is no resulting change to grade.
- Following consultation, it is proposed to better align the Children Missing in Education (CME) work with the current admissions arrangements and to not establish a separate Access to Education role but to review the wider admission roles. Therefore, the two current Admissions Officer roles, one currently a Grade 10 and one a Grade 8 will be disestablished and three Admissions Officers at Grade 10 roles, each with a speciality will be established. This will ensure that there is no single point of failure and will strengthen CME processes and 'In Year Fair Access' processes.
- The former SEN team will be named the Education Health and Care Plan Assessment and Review team (EHC Team) with EHC Officers and EHC Assistant Officers. These revised titles reflect consultation feedback.
- Following collective consultation the number of Outreach Assistant posts is to be reduced from five to four. Job descriptions for these posts have been amended as there is a requirement for roles to operate more independently with limited supervision and to undertake interventions, deliver personal behaviour support directly and conduct formal assessments. The previous Grade 8 roles have now been evaluated as Grade 9.
- Detailed amends have been made to a variety of other job descriptions in line with the comments received.

4.3 The table below shows the impact of the above changes on the impact on individuals within the Department.

Stage	No of roles types affected	Posts FTE	No of employees impacted	No of employees Minor change or Match	Ringfence roles and attempt to redeploy	No identified alternatives / redundancy risk
Pre-Consultation	53	99.47	87	35	8	44
Post-Consultation	55	100.47	77	31	12	34

## 5.0. Summary

5.1 The proposal following consultation, sets out a plan of transformation of the Education Directorate, necessary to both integrate and align services to improve the delivery of our statutory responsibilities across education and SEND.

5.2 The proposal will:

- Enable the delivery of the social care improvement plan
- Support the role of the Bury in its duties to vulnerable children and education,
- Given the scale of change proposed, the work leading up to this proposal has been developed and supported by colleagues across the executive.

## 6.0 Implementation Timescale and Plan

- 6.1 It is envisaged that following approval of the consultation outcome report, selection and appointment processes for the in-scope population will take place in May and June 2023 with a target date for implementation of 1<sup>st</sup> September 2023.
- 6.2 Some areas may be able to easily transition to the new model at an earlier date and an implementation plan will be developed with each area following confirmation of the model.
- 6.3 It is acknowledged that full implementation of all elements of the proposal may extend beyond 1<sup>st</sup> September due to recruitment timescales.
- 6.4 Due to notice periods of those proposed to be impacted and the operational requirement for many in teaching roles to complete the summer term it is anticipated that the majority of those who leave due to redundancy would do so on 31<sup>st</sup> August 2023. However, wherever practical to do so, we will attempt to support the release of people as quickly as possible, when requested, where suitable alternative employment has not been identified and where formal notice of termination on the grounds of redundancy has been issued.

## **APPENDICES**

Appendix A – Summary of staff FAQ

Appendix B – Current structure chart

Appendix C – Proposed structure chart (as a basis for consultation)

Appendix D – Final structure chart

Appendix E – Summary of changes

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### **Links with the Corporate Priorities:**

Our vision for the Children and Young People’s Department links to the LET’S Do It! Strategy and our values and principals. 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.

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

### **Equality Impact and Considerations:**

An equality impact assessment was initially drafted which aligns with that produced in support of the phase one restructure. The assessment sought to ensure that we delivered inclusive and equitable outcomes for staff and service users which will be central to the operation of the restructured service.

This has been reviewed following completion of consultation and in anticipation of individual responses to offers of redeployment.

Internal impact - The disproportionate impact on employees who are Black, Asian and other minority ethnicities within CLAS or employees for whom English is not their first language has been considered, however, due to the service being unfunded, we are required to fully disestablish the service.

The profile of staff within this area is predicated on the need for staff who are able to provide language support, community language teaching and translation services to assist children

and families in engaging with the school system. The diversity of the population being served necessitated employing teaching staff from a wide range of ethnicities.

We will seek to mitigate the impact on staff through proactive redeployment support both within the Council and local educational communities coupled with the provision of enhanced severance pay.

External impact – at a challenging time with unprecedented numbers of unaccompanied asylum seekers, refugees, traveller/gypsy/Roma families and other vulnerable groups, coupled with the Ukrainian crisis, ceasing a service which supports them will undoubtedly have a disproportionate impact. To mitigate this the Directorate will, through its continuing Community Learning structure, signpost to interpretation services and will work with schools to advise on best practice.

In mitigation schools are provided with a £1.3m budget for EAL and will be encouraged to utilise the funding appropriately to deliver those services directly.

### **Environmental Impact and Considerations:**

The proposals continue to align with the Council's model of agile working which support the organisation's overall carbon reduction plan.

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### **Assessment and Mitigation of Risk:**

<b>Risk / opportunity</b>	<b>Mitigation</b>
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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### **Legal Implications**

Members are asked to note that in accordance with our constitution this is a delegated Cabinet decision. The decision is significant, it will incur financial expenditure of over 500k as set out in the Executive summary . This decision is being dealt with in accordance with our urgency provisions in accordance with these rules the Chair of Children's Scrutiny Committee and both opposition Leaders need to be consulted.

As set out in the body of the report the initial Cabinet report did not highlight the cost position as the early release pension cost was not included. Members are asked to review the comments set out in the report from the s 151 officer setting out how these costs will be met.

Following the earlier Cabinet decision consultation with has been carried out, the outcomes of the consultation are set out in this report.

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### **Financial Implications**

As part of reviewing the Dedicated Schools Grant and addressing the historic deficit the staff associated with the CLAS were transferred from the DSG onto the general fund at the end of the 2021/22 financial year. The costs were charged to the CYP reserve during the 2022/23 financial year. However, this reserve was fully utilised in the 2022/23 financial year.

As a consequence the remaining costs of the CLAS are unfunded within the 2023/24 financial year. The wider CYP directorate and Education have identified a number of posts which can be kept vacant for a period due to recruitment timeframes etc which will fund the CLAS until this restructure is implemented therefore negating the in year pressure on CYP.

When services restructure the redundancy costs are normally picked up by the service as these are non recurrent and are offset against the in year savings. Capitalised pension costs are picked up centrally within the corporate budget.

In recognition of the exceptional pressures that the Education budgets are currently under, both in terms of the deficit recovery plan for the Dedicated Schools Grant and those budgets which are part of the General Fund, the need to complete this restructure in order for the service to transform and deliver recurrent savings and in recognition of the savings identified to fund the CLAS until the restructure implementation the in year redundancy costs of £463k will be met corporately through the flexible use of capital receipts in line with the strategy approved at Budget Council.

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### **Background papers:**

- [Children services restructure proposals](#): Cabinet, 13 July 2022
- [Children's Services Education and Early Help Restructure Proposals](#): Cabinet, 14 December 2022
- Restructure of Children & Young People Directorate: Detailed Proposals, March 2023

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

<b>Glossary</b>	
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



