

18th March 2019**Agenda Item: 12****REPORT OF THE SERVICE DIRECTOR, COMMISSIONING & RESOURCES****CHANGES TO THE STAFFING ESTABLISHMENT WITHIN THE INTEGRATED
CHILDREN'S DISABILITY SERVICE AND THE COMMISSIONING AND
PLACEMENTS TEAM****Purpose of the Report**

1. This report seeks approval to make permanent a range of temporary posts within the Integrated Children's Disability Service (ICDS) and the Commissioning and Placements Team (C&P).
2. The report also seeks approval to establish an additional post of 1 fte Qualified Social Worker (Band B) within the Integrated Children's Disability Service.

Information

3. On 16 July 2018, Committee approved temporary changes to the staffing structure within the ICDS in order to provide sufficient resources to successfully deliver the statutory Education, Health and Care Plan (EHCP) duty throughout 2018/19, and support the continued development of Nottinghamshire's response to the Special Educational Needs and Disability (SEND) Reforms 2014.
4. The temporary additional posts agreed, inclusive of on-costs, were:
 - 1 fte Co-production Officer (Band A) £37,413
 - 1 fte Sensory Occupational Therapist (Band C) £48,124
 - 3 fte Service Organisers (Grade 4) £26,073
 - 1 fte Duty Officer (Grade 4) £26,073
 - 1 fte Education Other than at School (EOTAS) Officer (Band A) £37,413
 - 1 fte Duty Manager (Band A) £37,413.
5. On 18 June 2018, Committee approved temporary changes to the staffing structure within both ICDS and C&P in order to successfully introduce and deliver the revised Special Educational Needs and Disability (SEND) Short Break offer from 1 July 2018.
6. The temporary additional posts agreed, inclusive of on-costs, were:

- 2 fte Short Breaks Reviewing Officers (Band A) £37,413
 - 2 fte Short Breaks Assessment Officers (Grade 5) £30,790
 - 2 fte Short Breaks Service Organisers (Grade 4) £26,073
 - 1 fte Commissioning Officer (Band B) £43,171
 - 1.5 fte Commissioning Assistants (Grade 3) £22,025
7. Throughout 2018/19, the additional cost of the temporary posts described in **paragraphs 4 and 6** was met partly from contingency and partly from grants made available to the Local Authority by the Department for Education (DfE) and the Communities Fund.
8. The temporary changes were informed by the following:
- **Review into the effectiveness of the ICDS structure (established by Committee on 21 March 2016) one year on from its implementation:** this review concluded that restructuring of former SEND services in April 2016 into the ICDS had created gaps in capacity at both management and case worker level which were unsustainable and had impacted negatively on performance. The review recommended a number of additional posts be created as well as changes to job descriptions. The recommendations of the review were accepted by the SEND Accountability Board on 1st February 2018.
 - **The unprecedented increase (at national level) in demand for statutory assessments and provision for children and young people with SEND:** between 2015 and 2018 there has been a 52% increase in the number of Education, Health and Care (EHC) Plans being maintained in Nottinghamshire. This increase has arisen from the Children and Families Act 2014, which gives parents and carers greater rights and extends the age range of those young people eligible for assessment and specialist provision from 18 to 25 years.
 - **The trend in relation to the population size who are likely to require a EHC plan over the financial period 2019-2022:** there are estimated to be 226,167 children, young people and young adults aged 0-25 years in Nottinghamshire and the population is expected to grow by 2.1% by 2022. Over the past two decades survival rates of pre-term babies has improved and medical studies indicate that these children are at high risk of developing ongoing additional needs. It is expected that EHCP numbers will therefore continue to grow by up to 9.9% per year until 2021/22.
 - **A detailed analysis of the resources required to implement the revised co-produced Nottinghamshire Short Break Offer:** consideration was given to whether the additional work to introduce and implement the revised Short Break offer could be subsumed within existing assessment and commissioning team resources. However, this was not possible due to the challenges described in the report to Committee on 16 July 2018.
9. The impact of the changes throughout 2018/19 has been:
- performance in finalising EHC Plans within the 20 week statutory timescale has improved from 37% in 2017/18 to 87% in 2019/20.

- the backlog in statutory EHCP Annual Reviews has been reduced from 5 terms to 1.5 terms. Performance in respect of issuing Annual Reviews within the statutory 14 week timescale has also improved
 - the number of EOTAS cases has reduced from 125 in January 2018 to 65 in January 2019, with children and young people being successfully integrated back into education and increasing numbers receiving their full-time entitlement of 25 hours
 - introduction of a system to support the co-ordination of key EHCP processes
 - review of the Duty System with new, efficient ways of working being introduced
 - the development and delivery of a Short Break offer that has been co-produced with parents, carers and young people and which has addressed the forecasted 2018/19 overspend and the escalating cost to the Local Authority of providing Short Breaks
 - the development of co-production practice, including the introduction of a Co-production Charter and quality assurance process and effective working relationship with Nottinghamshire Parent Carer Forum.
10. Approval is sought from the Committee for the posts described in **paragraphs 4 and 6** to be established on a permanent basis in order to sustain the developments and improvements described at **paragraph 9** and to ensure that the Council is able to meet its statutory duties in respect of those learners (0-25 years) with SEND who have a EHC Plan and those children and young people (0-18 years) eligible for support in the form of a Short Break.
11. In May 2018, a Peer Review of SEND arrangements in Nottinghamshire took place which identified a number of required improvements, including how the Local Authority meets its duty with regards to social care contribution to the EHC process. Social care provision is defined in S21 (4) of the Children and Families Act as “*Social Care provision means the provision of services made by the local authority in the exercise of its social services function*”. To evidence the Local Authority’s arrangements to ensure the co-operation of social care in respect of EHC assessments, it has been identified that a qualified social worker is needed to be part of the EHC assessment and plan decision-making process and to co-ordinate a proportionate assessment of social care needs when required. This arrangement would ensure that the Local Authority is fulfilling its statutory duty to children and young people with SEN through a graduated response (in line with Nottinghamshire’s Pathway to Provision) whilst protecting tier 4 social care functions.
12. In addition to the posts described in **paragraphs 4 and 6**, approval is sought to establish 1 fte Qualified Social Worker (Band B) post at a cost of £43,171 inclusive of on-costs, to support the duty described in **paragraph 11**.

Other Options Considered

13. Consideration was given to whether the additional work to implement the revised Short Break offer could be subsumed within existing assessment and commissioning team resources. However, due to the increasing demand for EHC assessments and plans, and the associated demand for placements, this was not feasible.

Reason/s for Recommendation/s

14. To sustain the developments and improvements made towards meeting the statutory duties of the Children and Families Act 2014 and Children Act 1989; specifically, to ensure that the Council is able to meet its statutory duties in respect of those learners (0-25 years) with SEND who have a EHC Plan and those children and young people (0-18 years) eligible for support in the form of a Short Breaks.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

16. The additional cost of posts within ICDS will be £470,305. The cost of the 1 fte Sensory Occupational Therapist (Band C) post will be met from the High Needs Block of the Dedicated Schools Grant. The remaining costs will be met from the ICDS base budget.
17. The additional cost of posts within Commissioning and Placement will be £102,282. The cost will be met from the Commissioning and Placement base budget.

Human Resources Implications

18. The proposed changes to the staffing establishment are proportionate to the current and ongoing challenges faced by both ICDS and C&P which are as a result of the Children and Families Act 2014, and the restructuring of the SEND service in April 2016.
19. Affected teams and recognised trade unions have been consulted on these proposals. Recruitment to the proposed posts will be subject to the Council's usual recruitment processes.

RECOMMENDATION/S

That Committee:

- 1) gives approval for the following temporary posts within the Integrated Children's Disability Service to be established on a permanent basis from 1st April 2019:
 - 1fte Co-production Officer (Band A)
 - 1fte Sensory Occupational Therapist (Band C)
 - 3 fte Service Organisers (Grade 4)
 - 1 fte Duty Officer (Grade 4)
 - 1 fte Education Other than at School (EOTAS) Officer (Band A)

- 1 fte Duty Manager (Band A)
 - 2 fte Short Breaks Reviewing Officers (Band A)
 - 2 fte Short Breaks Assessment Officers (Grade 5)
 - 1 fte Short Breaks Service Organiser (Grade 4).
- 2) gives approval for the following temporary posts within the Commissioning and Placements Team to be established on a permanent basis from 1st April 2019:
- 1 fte Short Breaks Service Organisers (Grade 4)
 - 1 fte Commissioning Officer (Band B)
 - 1.5 fte Commissioning Assistants (Grade 3).
- 3) approves the permanent establishment of the following post within the Integrated Children's Disability Service from 1st April 2019:
- 1 fte Qualified Social Worker (Band B).

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For any enquiries about this report please contact:

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Constitutional Comments (EP 26/02/19)

20. The recommendations fall within the remit of the Children and Young People's Committee by virtue of its terms of reference.

Financial Comments (SAS 04/03/19)

21. The financial implications of the report are contained within paragraphs 15 and 16 above.

HR Comments (BC 28/02/19)

22. The staffing implications are contained within the body of the report. Recruitment to the posts will be subject to the Council's agreed recruitment processes

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- New Community Short Break offer to children and young people with disabilities – report to Children and Young People's Committee on 19 March 2018

- Temporary changes to the staffing establishment in the Integrated Children's Disability Service Assessment team – report to Children and Young People's Committee on 16 July 2018
- Implementation of revised Short Breaks Offer – Temporary changes to the staffing establishment in the Integrated Children's Disability Service and the Commissioning & Placement Group – report to Children and Young People's Committee on 18 June 2018
- Integration of Children's Disability Service and SEND Staffing Structures – report to Children and Young People's Committee on 21 March 2016

Electoral Division(s) and Member(s) Affected

All.

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