



16 July 2018

Agenda Item: 4

**REPORT OF THE SERVICE DIRECTOR, COMMISSIONING AND  
RESOURCES**

**TEMPORARY CHANGES TO THE STAFFING ESTABLISHMENT IN THE  
INTEGRATED CHILDREN'S DISABILITY SERVICE (ICDS) ASSESSMENT  
TEAM**

**Purpose of the Report**

1. The report seeks approval for temporary changes to the staffing establishment within the Integrated Children's Disability Service (ICDS) Assessment Team, as set out in **paragraph 16**, in order to provide sufficient resources to successfully deliver the statutory Education, Health and Care Plan (EHCP) duty throughout 2018/19.
2. It is forecast that there will be ongoing pressure in respect of the delivery of the EHCP statutory duty. The report therefore seeks approval for a further report to be brought to the Committee in early 2019, to establish the long term staffing structure of the ICDS Assessment Service.

**Information**

3. The proposal has been informed by an internal review into the effectiveness of the ICDS structure (established by Children & Young People's Committee on 21 March 2016) one year on from its implementation. The review included feedback from service users and stakeholders. The findings of the review were approved by the Special Educational Needs & Disability (SEND) Accountability Board on 1 February 2018.
4. The proposal relates to the staffing required to assess, plan and review in relation to the local authority's EHCP statutory duty, as set down in the Children and Families Act 2014.
5. The new ICDS Assessment Team staffing structure was modelled on historical data and demand for Statements/EHCPs and short breaks in Nottinghamshire prior to 2015. There has been a 52% increase in the number of EHC plans being maintained between 2015 and 2018. This increase has an accumulative impact on the statutory EHCP duty as a whole as described below and at **Appendix 1**.
6. There has been an increase in appeals against Local Authority decisions. An appeal can be registered by a parent, person with parental responsibility or young person with the SEND First-tier Tribunal at any stage of the EHCP process throughout the life time of a plan. With the implementation of the Single Route of Redress in April 2018 (which extends the right to appeal against social care and health decisions) it is anticipated that there will

be a further increase in the number of registered appeals, and consequently in the work related to this area.

7. For every EHCP issued (currently there are 2,500 EHC Plans being maintained in Nottinghamshire) there is a statutory duty placed on the Local Authority to ensure an annual review is completed. As such, the increase in EHCPs is replicated in the number of annual reviews that are required to take place each year. This statutory duty falls to the local authority for the life time of a plan. There is a statutory timeline of 14 weeks to complete the annual review process. Nationally local authorities, including Nottinghamshire, are struggling to meet this statutory timeline and it is understood that the Department for Education (DfE) will be focusing their attention on performance in this area now that transfer reviews have been completed. Currently, the ICDS is four school terms behind on annual reviews which is a major concern and a service improvement priority for this year.
8. The service has seen a rise in the number of placements at risk resulting in an activity pressure in this area. As a result, reviewing officer time is increasingly being spent attending school meetings to manage these vulnerable educational placements.
9. As a consequence of the increase in placement breakdown described above, the service has seen increased activity around the Educated Other Than At School (EOTAS) cohort, requiring the deployment of resources to secure new educational placements for those children and young people who have been removed from their school roll. The Local Authority has a statutory responsibility to ensure that this vulnerable cohort have access to an education and that their attendance is monitored. **Appendix 2** provides further data in relation to EOTAS as at 8<sup>th</sup> May 2018
10. The duty point into the service was modelled on receiving an average of 117 new requests per month for EHCPs and short break assessments. On implementation of the new structure in September 2016, it quickly became apparent that this modelling had not taken account of the amount of enquiries and contacts that would come through the system that sat outside of new request, now estimated to total on average 600 per month.
11. Feedback from parents and professionals collected as part of the review indicates that communication with the service is the area of least satisfaction, with 39% of the 18 families who responded to the review survey reporting that they were either unsatisfied or very unsatisfied with the ease of contacting the service.
12. Professionals also commented on their frustration at being unable to get through to the duty desk and with what they experience to be the lack of coordination of some key processes associated with the delivery of the EHCP pathway e.g. school placement consultation process and annual review process. It should be noted that the former SEND Policy and Provision team, responsible for the delivery of the EHCP pathway before reorganisation, benefited from the support of business support colleagues who acted in a Support Case Worker role. This support is no longer available.
13. The pressures within the EHCP system has resulted in a lack of focus on short breaks. The short break element of the service supports social care to manage the volume of requests for statutory Children in Need (Section 17) assessments in respect of short breaks, thereby increasing the capacity of qualified social workers to focus on those

children and young people in need of statutory social care intervention. Currently there are 518 children and young people at tier 3 level (Targeted Short breaks) in the ICDS system. 421 of these children require (as best practice) an annual review and 97 require a review twice a year due to their Section 17 (6) status. Whilst the Section 17 (6) cohort is up to date, it has not been possible to keep pace with the remaining 421 reviews. The impact of this is that some of these children could escalate into social care as a result of their needs not being properly managed at this lower level. On 18 June 2018, CYP Committee agreed the proposal to establish a number of temporary posts (until 31 March 2019) in ICDS and the Commissioning and Placement Group to support the successful implementation of a revised short break offer. Moving forward, the long term staffing needs of the short break offer will be reviewed alongside the long term staffing needs in respect of the EHCP duty, to ensure that the most effective use is being made of available resources.

14. In addition to the capacity issues described above, the review also highlighted the benefit of employing an officer with the skill set and capacity to take forward the requirement in the Children and Families Act 2014 to co-produce services with parents, carers, young people and partners, as well as the potential cost benefit of employing a specialist Sensory Occupational Therapist to address the gap in provision in respect of sensory assessment. Increasingly parents are challenging the Local Authority through the SEN First Tier Tribunal Appeals process on the content of their child's EHCP and the educational placement named based on the sensory needs of their child identified through privately commissioned assessments. The Local Authority's current inability to defend the decision with an equivalent specialist report is leading to the tribunal awarding in favour of the family and directing the Local Authority to secure the specialist provision the family is seeking. Each tribunal awarded in favour of the family has an impact on both the Local Authority's budget and that of the High Needs Block. One case awarded in favour of a family based on the need for 24 hours waking day sensory curriculum (as recommended by an independent sensory OT) resulted in a tribunal directive to place a young child in a residential INM (Independent Non Maintained) school at a cost of £237,000 per academic year. This financial pressure is in addition to the cost of defending a case which can range from £1,500 to £3,000.

## Actions Taken

15. The service has taken action to mitigate the impact on capacity including:
  - **Developed and implemented a new EHC request process and eligibility criteria** - this was introduced in September 2017, and has already had a significant impact on the ability to meet statutory timescales and on the appropriateness of requests for EHC assessment and plans
  - **Digitalisation of the EHCP Pathway** - procurement of a digital platform for the efficient and secure delivery of EHC plans and reviews etc. The platform will be piloted in Bassetlaw and Newark from September 2018, with the aim of rolling it out county wide in 2019/20
  - **Implementation of Mosaic workflow and creation of a Demand and Cost Projection Model** - to support the efficient recording and sharing of information and provide accurate management information on which to better predict future need

- **Professionalisation of the workforce through the acquisition of a SEND qualification** - to ensure staff have the knowledge and skill needed to work confidently with school colleagues, thereby reducing the incidence of stress related sickness absence
  - **Temporary changes to the management structure** – the current management capacity within the service has been reconfigured on a temporary basis to support the pressure in the short break system (this is cost neutral)
  - **Use of additional staff** – capacity has been increased through the use of agency staff and secondment into the service.
  - **Review of cases going to Tribunal** – the review is due to conclude in July 2018 and will support the development of a tool designed to strengthen the Local Authority's ability to defend at tribunal.
16. The impact of the above has been a significant improvement in performance in relation to meeting statutory times, with all plans in March, April and May 2018, being issued on time and the Local Authority meeting the DfE requirement to transfer all Statements to EHCPs by 31<sup>st</sup> March 2018.
17. To maintain this improvement and continue to take forward the SEND reforms, the report seeks approval to establish the following posts on a temporary basis until 31 March 2019, pending a full review of the Assessment Team structure for April 2019.
- 1 fte Co-production Officer (Hay Band A; £37,554 including on-costs)
  - 1 fte Sensory Occupational Therapist (Hay Band C; £49,113 including on-costs)
  - 3 fte Service Organisers (Grade 4; £26,173 including on-costs)
  - 1 fte Duty Officer (Grade 4; £26,173 including on-costs)
  - 1 fte EOTAS Officer (Grade 5; £30,907 including on-costs)
  - 1 fte Duty Manager (Hay Band A; £37,554 including on-costs).

### **Other Options Considered**

18. No other options have been considered at this time pending outcome of a further review into the long term needs of the service.

### **Reason/s for Recommendation/s**

19. To ensure the Council is able to meet its statutory duty in respect of those learners (0-25 years old) with SEND who have a EHC Plan.
20. To support continued development of Nottinghamshire's response to the SEND Reforms and ensure good outcomes for children and young people with SEND.

### **Statutory and Policy Implications**

21. 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**

22. The additional cost of the temporary posts will be £259,820 and will be met from a combination of the funding sources outlined below:
- for the financial year 2018/19 Nottinghamshire received the SEND Implementation grant from the DfE totalling £366,430 to support implementation of the Children and Families Act 2014, and fund the cost of new burdens arising from the legislation. This will fund £170,707 of the additional cost.
  - in 2017, Nottinghamshire received a grant from the Communities Fund totalling £70,000 to support the co-production of the new short break offer to children and young people with disabilities. A sum of £40,000 was unspent and will be used to fund the cost of the Co-Production Officer post in 2018/19.
  - the Sensory Occupational Therapist post (£49,113) will be funded from the Independent Non-Maintained Schools budget which forms part of the High Needs Block of the Dedicated Schools grant.

### **Human Resources Implications**

23. The suggested temporary staffing structure is proportionate to the current and ongoing challenges presented by the 2016 restructuring of the service and the Children and Families Act (2014)
24. 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.

### **Safeguarding of Children and Adults at Risk Implications**

25. Safe recruitment policy and procedure will be followed and new staff will be subject to the Council's usual safeguarding training and induction processes.

### **Implications for Service Users**

26. Children and young people in need of specialist education will have their needs assessed and met in a timely fashion.
27. Service users and partners will report an increasing level of satisfaction with the service.

## **RECOMMENDATION/S**

That:

- 1) the Committee approves the establishment of the following posts within the Integrated Children's Disability Service Assessment Team on a temporary basis until 31<sup>st</sup> March 2019:
  - 1 fte Co-production Officer (Hay Band A)
  - 1 fte Sensory Occupational Therapist (Hay Band C)
  - 3 fte Service Organisers (Grade 4)
  - 1 fte Duty Officer (Grade 4)
  - 1 fte EOTAS (Educated Other Than At School) Officer (Grade 5)
  - 1 fte Duty Manager (Hay Band A)
- 2) a further report is brought to the Committee in early 2019 to establish the long term staffing structure of the Integrated Children's Disability Service Assessment Team.

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#### **Constitutional Comments (LM 25/06/18)**

28. The Children and Young People's Committee is the appropriate body to consider the contents of the report. Members should consider whether there are any actions they require in relation to the report.

#### **Financial Comments (SAS 22/06/18)**

29. The financial implications of the report are contained within paragraph 22 above.

#### **HR Comments (BC 26/06/18)**

30. The staffing implications are contained within the body of the report.

#### **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.

Integration of Children's Disability Service and Special Educational Needs and Disabilities staffing structures – report to Children and Young People's Committee on 21 May 2016

#### **Electoral Division(s) and Member(s) Affected**

All.

C1132