

Report to:	EXECUTIVE CABINET
Date:	28 July 2021
Reporting Officer:	Tim Bowman, Director of Education Tameside and Stockport
Subject:	SEND CAPACITY RECOVERY PROPOSAL
Report Summary:	An overview of the current demands on Tameside Statutory Assessment team and a request for additional capacity, to mitigate the risks this poses.
Recommendations:	That Executive Cabinet note the capacity challenges currently experienced by the SEND team are noted and agree the proposal to make a short term investment to support increased staffing at an estimated cost of the proposal is £280,091, to be funded by the Education Reserve.
Corporate Plan:	This report supports starting well elements of the corporate plan, by ensuring additional learning needs are identified and supported appropriately. Enabling the very best start in life supporting children being ready to learn and having aspiration and hope through learning, supporting children and young people to move with confidence from childhood to adulthood.
Policy Implications:	The recommendations support the Council's SEND Strategy and starting well priority. Furthermore they will ensure the Council is better able to meet its statutory obligations.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>The proposed changes to the structure are to increase SEN Assessment Officers by 4 and EHCP writers by 2 for a 2 year period. it would be useful to benchmark the size of the team against other Councils in order to confirm the increase in staffing requested is appropriate.</p> <p>The estimated cost of the proposal is £280,091, to be funded by the Education Reserve. The reserve holds £292,202, leaving a small surplus of £12,111. The long term sustainability of the team needs to be considered as to how this will be funded if it is needed beyond year 2.</p> <p>The impact of not reviewing and closing plans where appropriate has an impact on the DSG High Needs budget which is currently in deficit by £1.8m.</p>
Legal Implications: (Authorised by the Borough Solicitor)	<p>This report is seeking permission to implement a short-term solution to a problem that could be long term.</p> <p>Therefore as set out in the financial implications given a benchmarking exercise of staffing has not been undertaken in advance it will be necessary to demonstrate that the service is value for money and being delivered as efficiently as possible and that there are no other alternatives to address the issue other than increasing staff numbers.</p> <p>It is also advisable that long-term solutions are explored and it is understood, as set out in the main body of the report that this will be one of the work stream of the collaboration with Stockport.</p>

In addition given that the solution being proposed is to increase the staffing it will be critical that advice is sought from Human Resources to ensure that appropriate contractual arrangements are used.

Risk Management:

Failure to meet statutory obligations in relation to SEND could result in poor outcomes for children and young people and significantly increase the risk of poor inspection outcomes for the Borough.

Access to Information:

Further information can be obtained by contacting Tim Bowman.

Background Information:

The background papers relating to this report can be inspected by contacting Tim Bowman.



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1. INTRODUCTION

- 1.1 Tameside currently maintains 1780 Education Health and Care Plans (EHCPs). The number of plans maintained has been rising steadily since 2017. The number of EHCPs in Tameside has more than doubled since 2017, when the Local Authority maintained 828 plans. Tameside is now in line with our statistical neighbours, with EHCPs representing approximately 3.4% of the population. We can confidently conclude therefore that the growth in EHCP's was appropriate and necessary. However, increased and continuing growth in this area could present a significant financial risk to the authority. Attached at appendix A to this report is the Executive Summary of SEND Self Evaluation which outlines in brief our improvement journey and current priorities.
- 1.2 In 2017 the following staff were employed in the statutory assessment team:
2 SEN Managers,
6 caseworkers,
1 Inclusion Manager,
4 administrative staff and 1 modern apprentice.
- 1.3 In 2021 the team is comprised of:
1 inclusion manager,
1 SEN manager,
7 caseworkers,
2 EHCP writers,
1 business manager,
4 administrative staff including 1 modern apprentice.
- 1.4 The capacity of the team has been increased, but not in line with the significant growth of EHCPs, and associated work streams. Furthermore, Tameside has received no increase in funding to add capacity to the team, in line with the demand.
- 1.5 A recent service redesign has just been completed. This redesign supported some increases to capacity and established a good structure for the team. It was delivered within the resources available. The redesign was also part of a wider redesign of SEN Support Services which supported our DSG and Council Savings programme. No savings were achieved from the statutory assessment team
- 1.6 This report is requesting short term investment into the team to mitigate the risks associated with an under-capacity statutory assessment team. This short term investment is intended to ensure statutory compliance. A long term solution to these capacity challenges will be investigated as part of our transformation and collaboration work with Stockport MBC.

2. OVERVIEW OF CAPACITY ISSUES AND IMPACT

- 2.1 In spite of these increasing demands on the team, there has been a considerable improvement and positive performance in certain areas. Timeliness improved significantly for new statutory referrals. Levels fluctuated from 2016 through to 2018, but began to rise in 2019 and performance in 2020 has been well above the national average at 77.8%. (85% without exceptions). This represented a considerable improvement of over 55% in two years, which is particularly impressive considering the increased number of requests for the team to process.
- 2.2 This has been achieved by improvements in process and robust supervision and management oversight, but continues to require high levels of management support, which impacts significantly on management' workload and both managers' report that this intense and relentless level of supervision and oversight is very difficult to sustain.

- 2.3 Improved timeliness performance is encouraging, particularly as this was and continues to be a priority improvement area for the SEND service. However, in recent months the team are noticing an impact on sustaining the excellent progress made over the last two years in relation to timeliness, due to capacity within the team and volume of referrals. Our performance began to drop in September 2020. At the end of 2020 our timeliness was 69.4% for the calendar year. From 01 Jan to 30 Apr it dropped by over 20% to 42.6%.
- 2.4 It is also noted that having a strong focus on this area of work has significantly impacted on the team's ability to attend and respond to annual reviews within statutory timescales. The growing backlog of annual reviews (516 outstanding), creates a significant risk to both young people and the authority- meaning that action cannot be taken in a timely manner, when children and young people are not managing well in school.
- 2.5 The annual review backlog began to grow through the summer of 2020 and by autumn 2020 it was clear that this was a very significant risk. The team manager restructured the team in an attempt to give as much focus and time to annual reviews as possible, but this action did not resolve the problem, which in spite of best endeavours has continued to increase.
- 2.6 This backlog has had some impact on management ability to Quality Assure plans and provide ongoing training and development opportunities to officers within the team. The SEND manager has identified training issues, particularly in relation to reviews/attendance at mediation and general management of conflict by caseworkers. It has been difficult to implement the necessary training due to available time/demands of workload across the team, but remains a focus and ambition moving forward.
- 2.7 Across the academic year 20/21 there will be 342 key stage transition reviews which will require an EHCP amendment. Tameside also currently maintains 437 post 16 EHCPs and we have 81 children attending high-tariff out of borough provision. In order to quality assure provision and consider the ongoing appropriateness of the placements, annual review attendance should be prioritised for these students. However, due to limited capacity it will not be possible to attend all meetings. Prior to 2017 when Tameside maintained too few EHCPs there was sufficient team capacity to attend annual reviews.
- 2.8 This capacity challenge has also impacted on the LA's statutory duty to name post 16 provision as part of the year 11 transfers by 31 March.
- 2.9 The backlog includes a significant number of end key stage reviews not completed from last year, mainly year 2 and 9 it is envisaged that the same pressures will be evident this academic year. (this equals 263 pupils from last year and 237 this year, some of these have been completed).
- 2.10 Whilst a short term investment maybe not provide a sustainable long term solution, it will address the most pressing immediate issues of statutory compliance and increasing costs. A long term solution to these capacity challenges will be investigated as part of our transformation and collaboration work with Stockport MBC. This is proposed as it will afford time to ensure that opportunities for economies of scale are maximised and to assess the actual level of future demand, as recent intelligence shows us that requests for new assessments are slowing down. By 2023-4 we project that the number of assessment requests will have dropped significantly, allowing more capacity within the team to manage and respond to other demands.
- 2.11 There are further financial risks posed by the team's inability to attend and monitor annual reviews (see 2.12 below). Firstly, there are a number of post 16 EHCPs which could legally and appropriately now be ceased. As the capacity issues within the team are compromising our ability to attend these reviews, we are failing to cease in a timely fashion, and therefore causing unnecessary expense to the Local Authority. Secondly, certain annual reviews are called to request additional intervention, highlighted through officer attendance and timely

responses to reviews. Failure to intervene appropriately and quickly can allow a situation to deteriorate until the school placement breaks down. This can put pressure on our own specialist sector and even lead to expensive placements out of borough.

2.12 Managers are working with their teams to resolve this capacity pressure, so officers can be present at as many of these crucial reviews as possible. As part of our ambition to continue to drive through service improvements, expectations of staff and work demands have increased. Staff supervision has been more rigorous and consistent. This in combination with the increased demand caused by the growth in EHCPs has resulted in an elevated turnover of staff and an increase in staff absence over the last 12 months, which adds to the pressure by further increasing workloads for all officers and managers. Managers are working hard to support staff across the team as they negotiate these challenges. Robust supervision and 1:1 sessions between SEN manager/caseworker and Business manager/admin are carried out consistently and frequently to provide support and advice, to support improved working practice and ensure quality of work- however staff absence and low staff capacity is a genuine cause for concern. Each session is followed up with written advice and guidance provided by the manager which is agreed and provides a short term action plan. This is then reviewed at the following session. (in the last 18 months – 6 caseworkers took sickness leave between 1 month and 3 months due to work related stress, 4 of which have now left the service. Currently there is 1 member of the admin team who is absent due to work related stress following advice from occupational health).

2.13 The SEND team recently commissioned a data report from Edge-ucate which upon receipt will allow us to accurately project growth in EHCPs over the next 10 years. This report has not been received in full yet, but we have received some preliminary raw data, from which we can extrapolate reliable growth projections. Currently EHCPs represent around 3.4% of our Tameside pupil population, which is in broadly line with our statistical neighbours. We would not therefore be expecting to see significant growth in EHCPs over the next 5 years. However, the data from Edge-ucate indicates that (unmitigated) our EHCP numbers are likely to increase by 35% over the next 5 years. In real terms this means that in 5 years' time we could have approximately 500 additional EHCPs in the system, representing an additional spend of £3.4m based on current average costs, on the High Needs block. Whilst it is too early to confidently understand the exact causes of this unexpected growth, early investigations strongly suggest that it is in large part a consequence of our current inability to attend post 16 annual reviews and cease EHCPs in a timely fashion. As stated above, capacity issues in the SEND team are impairing our ability to attend reviews and therefore effectively monitor and cease EHCPs. The recent intelligence from Edge-ucate highlights the significant financial risks created by such capacity issues. It seems imperative therefore that the local authority invest in the service now, in order to mitigate these considerable financial risks.

3. CAPACITY REQUIRED TO ADDRESS THESE ISSUES

3.1 To expand the SEN Team to assist in complying with statutory duties and meeting timescales of new statutory referrals and reviewing commitments the following staffing is required:

- To facilitate and manage new statutory assessments – 1 EHCP writer
- To clear the backlog of reviews – 1 additional review caseworkers and 2 EHCP writers

3.2 This should allow a short term injection of improving timeliness and sustaining progress for new referrals and should allow the reviewing team to manage the statutory requirements in relation to transfers as well as responding to the back log.

3.3 The financial implications regarding the proposals are set out below.

	Post	Grade	2020-21	2021-22	Total
1	SEN Caseworker	GRADE H	£43,128.00	£44,303.46	£87,431.46
3	Education Health Care Plan Writer	GRADE F	£95,337.00	£97,322.61	£192,659.61
	TOTAL		£138,465.00	£141,626.07	£280,091.07

- 3.4 This represents a total investment between £280,091.07 for a fixed two year period, this resource will simply clear the backlog. It is however likely due to the increased level of EHCP's now that longer term solution to maintain
- 3.5 It is proposed that this is funded from Education Reserves, which have been previously earmarked for locality working. This locality model is no longer proposed to be developed. Therefore, this funding is currently unallocated.
- 3.6 To ensure future sustainability a further review of staffing and resources is required and will be completed as part of the transformation programme in partnership with Stockport Council.

4. CONCLUSION

- 4.2 The SEN statutory assessment team are facing increasing demands in terms of workload but in spite of the robust processes in place to support the team manage their caseloads more efficiently and competently, the team continues to struggle with these very significant work demands. Limited capacity and the pressures of covid make it more difficult to implement all the necessary training, but this is something the team managers are keen to address. It is imperative that the local authority invest in the SEND service now, in order to mitigate the considerable financial and well-being risks set out in this report, not only to local authority staff and finances, but perhaps most crucially to vulnerable young people and their families.

5 RECOMMENDATIONS

- 5.1 As set out at the front of the report.