

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

**Personnel Committee
17 October, 2016**

Report of the Head of Transformation – Mr Andrew Thomas

Matter for Decision

Wards Affected:

All wards

Restructure of the Additional Learning Needs Support Team.

1. Purpose of the Report

This report seeks to establish 3 additional posts, these are:

An additional special educational needs liaison officer, a transition key worker together with an additional learning needs support team officer.

2. Executive Summary

It is proposed that the following posts are included within the Additional Learning Needs Support Team structure, to increase capacity, strengthen and expand the work with families/schools and partner agencies. These posts will help prevent the local authority from being exposed to high level challenge and associated costs, in the most complex cases and provide capacity for a good service which is able to meet national and local performance indicators.

a) The existing Programme Manager post is to be formally acknowledged as having Deputy Manager Responsibilities.

b) To reintroduce to the structure a second Special Educational Needs Liaison Officer to strengthen and expand the authority's parent partnership service. This will provide much needed capacity to ensure a quality service, by providing assistance to parents and schools with children and young people with additional learning needs.

The Liaison Officer post is vitally important in regard to being the first point of contact for parents within Neath Port Talbot who may be coming to terms with the range of difficulties their child may have and the impact of these difficulties on the family and the young person.

The current officer is frequently involved with parents who are struggling to understand, comprehend and accept the range of additional needs which their child may have and its impact on the young person's education. These difficulties can range from young people who are displaying challenging behaviours together with diagnoses which will impact on the person for the rest of their lives. There are also cases where young people have life limiting conditions which require very sensitive discussions.

c) An additional Business Support Officer (case worker) to ensure that all duties pertaining to the statutory assessment process; monitoring and amending are completed in line with statutory timescales.

d) To add a new role to the team structure of a Transition Key Worker. This post is crucial for co-ordination and monitoring robust transitional arrangements and plans for children and young people entering and leaving the school education system.

The local authority has experienced a higher than normal number of appeals by parents to the Special Educational Needs Tribunal for Wales over the past two years. These cases have resulted in significant budget pressures which can impact over a number of years.

3. Background

This report will outline the current functions and processes which the Additional Learning Needs Support Team undertakes on behalf of the local authority. It will provide an overview of the current staff structure together with identified pressure points and the associated risks to Neath Port Talbot County Borough Council.

The Additional Learning Needs Support Team is a front line service working directly with parents, schools, health, social care and wider internal and external children and young people's services.

The Additional Learning Needs Support Team has responsibility to ensure that Neath Port Talbot County Borough Council fulfils its statutory obligation to identify; assess; monitor and make provision for children with additional learning needs. It is also responsible for placing pupils within the specialist learning support centres and special schools within the county borough and manages the additional learning needs panel meetings for this purpose.

The Additional Learning Needs Support Team provides advice to schools and work to the requirements of the Education Act 1996; the Equality Act 2010 and the Special Educational Needs Code of Practice for Wales.

Staff capacity within the team has been systematically reduced over several years for a variety of reasons which include: austerity measures and retirement of experienced staff that were not replaced and their roles cut from the structure. These cuts have impacted directly upon the ability of the team to provide the quality and scope of service required and is now in danger of not being able to fulfil its statutory obligations in regards the Special Educational Needs Code of Practice for Wales.

For some years the Additional Learning Needs Team has taken pride for its high quality of parent partnership, providing information;

dispute prevention and early resolution for parents, this service is under significant pressure.

Parents, children and young people have a right of appeal to the Special Educational Needs Tribunal for Wales, which can result in costly and time consuming legal challenge.

The team's ability to meet legal assessment timescales and make amendments is also compromised with the current staffing level and this is adversely affecting national performance indicators for the Local Authority.

There is a need to re-establish capacity in the Additional Learning Needs Support Team to respond to local and national pressures including performance criteria; provision of an effective parent partnership service; to work effectively with schools; local authority partners; Health and to prepare for Welsh Government additional learning needs reform and to prevent costly Special Educational Needs Tribunals.

There is a significant need to strengthen service areas within the additional learning needs support team, so that the team can respond to increasing demand, whilst also preparing for the most fundamental reform in education law for 20 years.

4. The Additional Learning Needs Support Team

The Statutory Assessment process

During the academic year 2014/15

121 requests for statutory assessments of special educational needs from parents and schools were received.

24 referrals were received from Health colleagues and Flying Start

In 2015/16

131 requests for statutory assessment of special education needs from parents and schools were received.

41 referrals were received from Health colleagues and Flying Start

All statutory assessment requests and referrals are processed by the team guided by the SEN Code of Practice for Wales within prescribed timescales. Parents; schools and partner agencies are informed of decisions which have been made by SEN panels, based on the reports and advices collected from agencies which are providing or have provided a service to the pupil.

In 2014-15 the requests and referrals resulted in the issuing of 77 new statements of special educational needs.

In 2015-16 95 new statements were issued.

Following completion of the statutory assessment process, if the local authority decides not to issue a statement of special educational needs then a Note in Lieu is issued. Each Note in Lieu allows the young person's parents the right of appeal to the Special Educational Needs Tribunal for Wales. These cases require extremely sensitive handling otherwise the authority becomes exposed to costly tribunal appeals.

For a detailed flow chart of the Additional Learning Needs Support Team functions (Statutory Assessment process - See Appendix 1).

During 2014 Neath Port Talbot County Borough Council maintained 783 statements. Each statement will require amendment over time, which could involve: change of address, change of 'need' based on progress or regression, change of provision, a diagnosis or change of educational placement.

Schools provide information to the support team through the annual statement review process. Additional needs support team staff then make the relevant changes to the legal statutory documents. Amendment complexity can vary significantly from pupil to pupil and can require SEN panel recommendations. Each year all year 6 pupils require an amendment to reflect their year 7 transfer to a secondary provision placement, which opens the right of appeal.

(Amendment process - See appendix 1).

Movers in - 20 pupils in receipt of Statements of special educational needs moved into Neath Port Talbot during the 14/15 academic year. Each pupil required consideration by the special educational needs panel and recommendations regarding provision and placement. The

complex nature of the pupils moving into county resulted in 6 specialist places being required, which were not factored into placement projections and as a result caused pressure on planned places for local pupils completing statutory assessment. These cases also required significant effort from staff members to avoid parents making applications to the Special Educational Needs Tribunal for Wales.

(Movers in - See Appendix 1).

The flow charts attached (Appendix 1) demonstrate clearly the complex processes involved. In addition to the correspondence there are often complex and essential verbal communications and face to face meetings with parents, schools, health and social care service staff. It is the quality of such communications that prevent dissatisfaction and ultimately reduce appeals to the Special Educational Needs Tribunal. The team's ability to provide this service has been compromised due to reduced staff capacity.

With the pre legislative preparation for additional learning needs reform gathering speed, the staff within the additional learning needs support team will be faced shortly with the expectation of running 2 systems for each individual assessment which is currently processed. With the pre legislative system generating a greater demand within the process, the team are faced with an anticipated tripling of work flow, on top of the requirements outlined in (Appendix 1) together with a substantial backlog in certain process areas.

Special Educational Needs Tribunal Appeals

Parents/ Carers and young people have the right of appeal to the Special Educational Needs Tribunal for Wales, at many times during the child's educational career.

A tribunal registered against the local authority means officer attendance and administrative support will be required until a tribunal hearing is convened or the case settled. The process can take a number of weeks with an average of two months.

At all times, staff will try to resolve disputes to avoid appeal as appeals can result in expensive provisions either through a tribunal direction or an earlier settlement.

5. Current Staff Structure

The Additional Learning Needs Support Team is currently comprised of a manager, who ensures that efficient and effective systems operate to enable the authority to execute its statutory duties in relation to children with special educational needs in accordance with the relevant legislation and associated circulars and guidance.

A programme manager has been employed to prepare schools and other agencies within Neath Port Talbot for the forthcoming statutory reform, and to embed person centred approaches across schools and college settings for pupils with Special Educational Needs. The proposed reform changes will have a significant impact on the team as the proposed age range is increasing from 3-19 years to 0-25 years. The true impact will not be realised until reform is finally introduced.

As the reform agenda enters the pre legislative timescale the work impact on this officer will increase greatly. The post holder has been providing cover for the manager and assisting with liaison officer work due to the current unprecedented demand the team face.

Parents are aware that this will be the first reform of the legal system since 1996; this has resulted in heightened anxiety among families and also the wider school communities across Wales as other authorities also report a rise in request for statutory assessments.

Senior staff in the team manages complex cases and the planning for their educational provision can include attendance at a variety of meetings including complex needs panel; NPT College Group and the Youth Justice Service. Multi-agency transition planning has and will continue to increase the teams workload as systems and procedures are developed with Health agencies, College and Adult Social Services in readiness for the age increase to 25 years.

The additional learning needs liaison officer is the key link between parents, schools and other agencies and communicates the statutory process. This is a crucial role in assisting parents and schools fully to

understand the process and decisions that are made. The post holder has first contact with parents at an anxious time, some of whom may be unhappy and wishing to challenge the authorities' decisions in regard to a range of matters, which can lead to appeals to the Special Educational Needs Tribunal for Wales. The role is crucial in reassuring, advising and de-escalating any challenges and requires excellent communication skills together with a high level of knowledge and experience related to the whole process.

The organisational processes are currently managed by a senior caseworker with 2 other caseworkers carrying out the supervisory process of statutory assessments, amendments of existing statements and movers into and out of the local authority. The expectations of this team of staff are high. They require a strong knowledge base of the legal requirements and the ability to work under pressure with accuracy. There is an increase in the number of requests which are being received, during this calendar year there are between 3 or 4 statutory assessments being agreed weekly.

The team is currently supported by 1 part time admin assistant and 1 fixed term appointment. The administrators are front line staff taking difficult phone calls from anxious parents; ensuring that all pupil files are up to date; preparation of panels and taking panel minutes. Please see attached structure (Appendix 2).

6. Pressure points and associated risks.

The local authority has experienced a high number of appeals to the special educational needs tribunal for Wales more recently. Over the past 24 months it has become apparent that independent education providers are targeting families within Neath Port Talbot and encouraging them to make requests for expensive at home/in school or out of county provisions. Legal firms are being established to encourage legal challenge of the content of Statements of Special Educational Needs. Parents and young people are generally more informed about their right of appeal and have sometimes chosen the tribunal route due to a lack of understanding of the local complaints and resolution process.

Tribunal appeals highlight and exacerbate the capacity pressures within the additional learning needs support team. Responding to these hugely demanding appeals within the current staff structure and

generally high volume of statutory work being undertaken causes major pressure on the team's ability to respond quickly to parents and schools, as the tribunal work has to take priority.

Statutory duties flow charts (See Appendix 1).

The Parent Partnership Service was reduced to one special education needs liaison officer in 2013, and from close monitoring this is not a sustainable position for the team. The sole officer is under significant pressure to manage the number of assessments being undertaken and decisions from the special educational needs panel, which need to be communicated to parents, schools and outside agencies. Therefore development work; proactive school and family working and other aspects of the role are not being fulfilled and this is being reflected in the service evaluation forms.

The introduction of person centred approaches to reviews in 2013 has ensured schools actively review the statements of special educational needs. A staff reduction on the structure in the business support officer team has led to a constant backlog of amendments to statements of special educational. A long term solution is essential otherwise this 'backlog crisis' situation will remain adversely affecting statutory performance indicators. It will also adversely affect the relationship with schools.

Neath Port Talbot's performance indicators for statutory assessments completed within the 26 week statutory timescales in 2014 - 23.37% of assessments were completed within statutory timescales. In 2015 - this dropped to 10.53%. This decrease can be linked to the complexity of ongoing assessments and also the increased work load, reduced capacity within the team and increasing amendments. Currently the team performance is ranked 21st out of 22 within Wales.

To summarise, the current capacity within the team is such that the local authority is exposed both internally and externally to performance scrutiny, and is at high risk from further pressures of tribunal appeals.

The impact of these pressure points and associated risks:

- Increased time commitment of staff including senior officers within the directorate, which impacts on the other duties expected of the team.
- Financial impact to the authority if tribunal finds in favour of parents. Costs of complaints and appeals cases were in the region of £100,000 in 2015.
- Backlog of amendments to statements which are statutory documents. Increased level of complaints and possibility of referral to the public services ombudsman.
- Time taken to complete assessments, this results in vulnerable young people with high levels of special educational needs not being appropriately supported in mainstream settings which can lead to exclusion and associated cost implications for the local authority.

7. Proposed new structure

To counter and further prevent the identified risks, it is proposed that:

One full time SEN Liaison Officer (Grade 9) is reinstated back onto the structure to strengthen the Parent Partnership Service ensuring that parents are kept fully informed at all stages of the assessment process and resultant decisions. The Liaison Officer will support parents in the feedback and school planning process following the decision of the Special Educational Needs panel at completion of assessment and explain the reasons for the decisions. It is expected that this will help to maintain a low level of appeals to the Special Educational needs Tribunal for Wales.

One full time Transition Worker (Grade 7) will be appointed, as the local authority aims to improve the transition arrangements both into school and for young people leaving school. The post would be integral in the planning around transfers for young people with special educational needs. The post holder would have responsibility for working with other local authority services, partners and colleges to develop robust transition plans using the Person Centred approaches model. The post holder will communicate with other local authorities where pupils reside for whom Neath Port Talbot are responsible.

These additional posts will enable a more planned, proactive and preventative approach to be taken, allowing closer monitoring and planning with schools, and ensuring that pupils with highly complex needs receive appropriate educational provision within Neath Port Talbot.

An Additional Support Team Officer (Grade 5) to be reinstated to the team structure to ensure that the team will be able to effectively undertake the core business of statutory assessments & amendments. As of the 16th September 2016 there are 85 assessments ongoing and 49 outstanding amendments which are currently being case managed by two officers.

The Programme Manager role was introduced in 2013 in the light of the imminent special educational needs reform, the post holder has undertaken deputy manager duties and more recently increased senior responsibilities. Acknowledging this formally will provide greater clarity within the team

Please see Appendix 3 - proposed new structure.

8. Financial Impact

There will be an increase in cost to the local authority to restore capacity to the service (See appendix 4). These additional costs will be funded out of the existing budget underspend.

The risk of non-implementation will remain high as the local authority would continue to be exposed to a greater number of costly appeals to the special educational needs tribunal for Wales. A single tribunal decision on provision could incur costs between £25,000 -£70,000+ for specialist provision. Tribunals also require in excess of 150 hours of officer time also.

For further advice or information please contact:

Ross Livingstone, Group Accountant, Education, Leisure & lifelong Learning.

9. Equality Impact Assessment

There are no equality impacts associated with this report.

10. Legal Impacts

There are no legal impacts associated with this report.

11. Risk Management

Implementation - The impact of implementation of the report will minimise the risks associated with costs which follow appeals to the Special Educational Needs Tribunal for Wales.

Non-implementation -

School dissatisfaction

Parent dissatisfaction

Increased number of costly special educational needs tribunal decisions.

Increased exposure to possible Ombudsman Investigations.

12. Consultation

There is no requirement under the Constitution for external consultation on this item.

13. Recommendations

That the proposed re-structure of the Additional Learning Needs Support Team is approved by Committee. This will see the addition of 3 new posts within the team. These are:

A Special Educational Needs Liaison Officer (Grade 9).

A Transition Key Worker (Grade 7).

A Support Team Officer (Grade 5).

14. Reasons for Proposed Decision

To minimise the current risks to Neath Port Talbot County Borough Council.

15. Appendices

1. Flowcharts of Statutory Assessment process, Amendment process and Mover in process.
2. Current ALNST structure
- 3 Proposed ALNST structure
4. Financial Impact

16. Officer Contact

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