

Investing in Children and Families Transition Plan – learning inclusion service

Date: June 2022

Report of: Deputy Director Learning

Report to: Director of Children and Families

Will the decision be open for call in? ☒ Yes ☐ No

Does the report contain confidential or exempt information? ☐ Yes ☒ No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report seeks investment in learning inclusion services to improve outcomes for children and to prevent the escalation of cost associated with increasing demand.
- The investment approach seeks to build service capacity to reduce backlogs and meet significant increased demand for statutory SEND services, whilst implementing the SEND and Inclusion Strategy to enable the needs of children to be met increasingly within the established framework without the additional administrative burden of statutory processes.
- This report seeks approval to establish and recruit to new roles within the Learning Inclusion Service to ensure that there is adequate capacity to meet current and anticipated demand in relation to Education and Health Care Plans, and elective home education, attendance, Children missing out of education, and exclusion.
- Development of the service in line with proposals will both support the city's ambition to be the best place for children to grow up in and contribute to spending money wisely.

Recommendations

The Director of Children and Families is requested to:

- a) Note the contents of this report and approve the approach to investment in learning inclusion services set out.
- b) Approve the establishment of new posts as described in this report namely:
 - SO1 Casework Support Officer x 2 FTE
 - SO1 Data monitoring/systems officer x 1 FTE
 - MPS6 Teacher – Elective Home Education x 1 FTE
 - PO6 Attendance Lead x 1 FTE
 - PO2 Exclusions Officer x1 FTE
 - PO6 Positive Destinations Manager x1 FTE
 - PO1 SEN Casework Officer x 5 FTE

Why is the proposal being put forward?

- 1 The Covid pandemic has seen major disruption to children and young people's education. There is now a significant rise in requests from schools and settings to support children and young people with social, emotional and mental health issues. Many children are finding a return to school extremely difficult manifesting in high levels of anxiety, acting out behaviours, children missing from school and non-attendance requiring intervention and support from already overstretched Learning Inclusion services.
- 2 This report seeks approval for our approach to investment in learning inclusion services to support the transition from the Covid pandemic, to improve outcomes for children and, to reduce continuing pressures across learning inclusion.

Education Health and Care Plans

- 3 The Learning Inclusion service has experienced significant increase in the demand¹ for Special Educational Needs Education Health and Care Plans (EHCPs), with more than 100% increase in requests for new plans, and has seen over 30 new requests being received on a weekly basis. It is anticipated, that with the additional impacts of the pandemic on the learning community, demand will increase even further and that by 2026 we will see a rise from 5,000 plans to over 7,000. Each request must follow a complex and time-consuming statutory process of decision making of whether to assess, followed by a multi-agency assessment to determine need and provision. Each plan must then be maintained and reviewed on at least an annual basis. At the present time the service does not have the capacity to meet the Local Authority statutory responsibilities.
- 4 Alongside the need to increase capacity to meet demand there is also a need to rebalance the system in relation to this work and to roll out and embed the Leeds SEND practice framework. This will ensure the provision of high-quality early intervention and prevention for children and young people with SEND, in line with the social care model, that gets the right support to children with special educational needs and their families at the right time. This model will then negate the need for parents and carers to feel that they have to have an EHCP in order for their child's needs to be met.

Elective Home Education

- 5 The numbers of electively home educated children and young people has risen enormously from around 600 children each year to over 900 recorded by the end of the 2020-21 academic year. The increase in Electively home educated young people has risen by 47% since the beginning of the pandemic and is being maintained at these high levels. This is placing enormous strain on services to fulfil the legal requirement of the LA to ensure provision of education is suitable alongside undertaking safeguarding duties.
- 6 There is a need to ensure that there is sufficient capacity within the service to meet the statutory requirement to review the suitability of education provided within this framework.

Young People Not in Employment, Education and Training

- 7 Leeds City Council has a statutory responsibility to support young people who are not in employment, education and training (NEET) into a positive destination. In part, this requires the local authority to maintain a tracking system to record the current activity of all young people resident in Leeds to be able to identify young people who are NEET and provide support into a positive destination.
- 8 The Pathways Team provides support to young people into positive destination.

¹ See Appendix A for further information

- 9 Leeds is over-represented in long term NEET, with significant further challenges tracking young people whose status is not known. From 2016, the annual performance indicator has been the combined percentage of young people who are NEET or whose activity is not known. In 2021, Leeds combined NEET and not known was 7.9 percent and Leeds ranked 143rd of 151 local authorities in England. The percentage of young people who are known to be NEET in Leeds is lower than all comparators at 2.3 percent, a result of a higher percentage of young people whose activity is not known which was 5.6 percent in Leeds and higher than all comparators.
- 10 Good data is a prerequisite to connecting vulnerable young people to services and thereby providing pathways into employment, education and training. Considerable work has been undertaken to improve the tracking duty and has identified sustained performance issues in relation to both long-term NEET and a large cohort whose status is unknown.

What impact will this proposal have?

Wards affected:

Have ward members been consulted?

☐ Yes

☒ No

- 11 The recently revised SEND and Inclusion Strategy has been verified as identifying the key priorities and essential work that needs to be undertaken to improve outcomes for children and young people with SEND and for those in vulnerable contexts to be able to Attend, Attain and Achieve. The aspirations of the strategy can only be achieved with further capacity and investment that supports Early Intervention, Inclusion and Integrated pathways.
- 12 The Framework has been co-produced and will be embedded in partnership with schools, settings and services to enable us to embed a shared ethos and vision for Leeds, celebrate, share and build on the good practice we already have in our schools and settings, and grow relationships and partnerships. Building the Framework within the wider Leeds context of 'early help', with a shared language and shared, joined-up practices will support quality conversations between schools, services and families, and timely referrals and requests if extra support is needed: 'the right conversations, with the right people, at the right time'.
- 13 The Framework builds on the principle that 'every school is a school for learners with SEND, and every teacher is a teacher of learners with SEND'. It will aim to support all our schools and settings to consistently deliver quality, holistic assessment of needs, and quality plans to meet individual needs, at the earliest time. This will support our children and young people to achieve their best possible outcomes in learning and achieve their goals, and in time reduce the perceived need to obtain an EHCP in order to meet the needs of a learner with SEND where those are met in a timely and appropriate manner in their learning setting.

Education Health and Care Plans

- 14 Whilst it is intended that ongoing work to roll out and embed the SEND and inclusion strategy will over time reduce demand for EHCPs there is an immediate need to increase capacity within the Learning Inclusion Service to meet the statutory framework in relation to current and predicted future demand for EHCPs.
- 15 Work has been undertaken to identify how to meet statutory responsibilities whilst delivering value for money an economic, efficient and effective service. The proposals below seek to ensure that specialist knowledge and expertise can be focussed on relevant functions with appropriate support in place.
- 16 **Approval is sought for the establishment of five SEN Casework Officer posts at PO1** (Appendix B1). A new job description has been developed for this role which will work restoratively with children, young people and families to secure positive holistic outcomes and engage with schools and system leaders to manage the Education, Health and Care (EHC)

needs assessment and review processes for children and young people across the city. It is anticipated that these roles will support existing casework officers established at PO4 which will be re-named as SEN Casework Officer Advanced Practitioner recognising the additional expertise and responsibilities commensurate to the grade.

- 17 **Approval is sought for the establishment of 2 EHCP Casework Support Officers at SO1** (Appendix B2). A new job description has been developed for this role which will provide organisational, management and communication support and assistance to existing principal officers. This will enable these officers to focus on constructing, assessing, writing and reviewing EHCPs. If this support is not provided those officers will need to continue to carry out these supporting activities and will not have the capacity to deliver the additional EHCPs that are necessary to meet current and future demand.
- 18 **Approval is sought for the establishment of an EHCP Data monitoring / Systems Officer at SO1** (Appendix B3). A new job description has been developed for this role which will fulfil responsibilities in relation to SEN2 returns, service data analysis, and tracking children with EHCP whereabouts known/unknown.

Elective Home Education

- 19 The local authority is under a statutory duty to review education plans submitted by parents who elect to home educate their children as to their 'suitability'. Recommendations of the House of Commons Education committee propose greater statutory responsibilities for the local authority to review education plans and the education progress of those Electively Home Educated. It is anticipated that pressures will increase in relation to both demand and the roles and responsibilities of the local authority.
- 20 **Approval is sought for the establishment of an additional post for a Teacher (EHE) at MPS6** (Appendix B4). The post will have the same job description and supplement the existing 0.6 Teacher post as demand in this area has increased significantly during the pandemic and this increase is being maintained.
- 21 In February 2022 a decision was taken to increase the existing Caseworker – Elective home Education C1 position in the team, by 0.4 to 1 full time equivalent post. The job description, role and purpose of the post remain as they are but provide additional capacity to work across EHE and CMOE and support LA safeguarding and statutory duties for children and young people not in education settings. The cost of this increase is reflected in the cost of the wider changes set out in this report.
- 22 **Approval is sought for the establishment of Attendance Lead at PO6** (Appendix B5). A new job description has been developed for this role which will cover statutory responsibilities of the local authority around attendance, fixed penalty notices for non-attendance and court proceedings. These responsibilities had previously been met through an amalgamation of roles under an honorarium during a period of transition following the deletion of area lead posts. Following retirement of the post holder it is now appropriate that permanent arrangements are made in relation to these responsibilities, freeing capacity within that other post to meet the substantive responsibilities of that post.
- 23 **Approval is sought for the establishment of an Exclusion Lead Officer at PO2** (Appendix B6). A new job description has been developed for this role which will fulfil responsibilities currently distributed between and impacting on other core roles. The role will provide support for young people in danger of exclusion and will coordinate and support the Social Emotional Mental Health (SEMH) panel, freeing capacity in other roles to carry out other statutory functions.

NEET

- 24 As identified above, current resources within the Pathways Service are insufficient to respond to the needs of the multiple cohorts involved. A dedicated pathways resource to work with young people who are NEET or at risk of becoming NEET, and a dedicated tracking capacity is needed. By providing capacity to respond effectively to information received, this will enable utilisation of the capacity that exists within the Leeds learning system to undertake tracking work at child level.
- 25 **Approval is sought for the establishment of a Positive Destinations Manager post at PO6** (Appendix B7). A new job description has been developed for this role which will be aligned to the Head of Service - Learning Systems and provide cross-directorate leadership to the functions and services that contribute to the authority's ability to meet the statutory tracking duty.

Equalities

- 26 An equality diversity cohesion and integration screening has been completed and is attached at Appendix C.
- 27 Recruitment arrangements will seek to encourage diversity of applicants in line with Council policy and procedure.
- 28 Embedding the SEND and Inclusion Strategy in partnership across schools and settings will support them to meet needs within the mainstream setting and provide greater inclusion opportunities. Not only does this avoid more costly intervention but it is also in the best interests of the child in achieving the best possible outcomes.

What consultation and engagement has taken place?

- 29 Over the course of the pandemic, the Scrutiny Board (Children and Families) has undertaken a two part inquiry into exclusions, elective home education and off-rolling. The questions raised by the Scrutiny Board during their inquiries have been reflected in our thinking in developing the proposals set out in this report. Similarly the work of the Scrutiny Board in relation to performance is reflected in the increase in resource to support EHCP processes set out in this report.
- 30 The Leeds Safeguarding Children Panel undertook an audit of Leeds processes around elective home-education. Whilst the formal report is not yet available, verbal feedback was very positive. The proposals in this report will further strengthen these arrangements.
- 31 The SEND and Inclusion strategy, was considered and supported by the Children and Families scrutiny board and addresses all the priority issues that need to be addressed to improve outcomes.
- 32 The Executive Member for Learning, Skills and Employment has been briefed on the recommendations set out and is in support of proposals to increase capacity within the service.
- 33 Trade Unions were advised of the intention to enhance resource within the service and have been consulted on the detailed proposals set out in this report. Trade Union colleagues are supportive of the proposals.
- 34 Staff in the service have been consulted on the proposals and are supportive of an increase in capacity within the service.

What are the resource implications?

Human Resources

- 35 As a result of the challenges described above, caseloads remain higher than originally intended across the service and this is placing workers under increased amounts of pressure. It is

recognised that teams are becoming increasingly demoralised over the last 12 months as backlogs increase. If this is not addressed, in addition to the unacceptable impact on staff wellbeing, it will lead to workforce retention challenges, which in turn will add to the pressures described in this report.

36 Roles which have been established to new job descriptions have been subject to the council's job evaluation process.

37 It is anticipated that implementation of the proposals set out in this report, will reduce existing backlogs and minimise future pressures on the service, which in turn will contribute to staff retention.

Finance

38 A sum of £2 million was identified in the 2022/23 revenue budget to enable investment in both children's social work and learning inclusion services to meet current demand, and to alleviate anticipated pressures in the future. The proposals set out in this report have been developed in tandem with proposals for the investment in children's social work to ensure that they can be delivered within the budget allocated.

39 The Chief Officer Financial Services has confirmed that this cost can be met within the budget allocation agreed by Council in February 2022.

40 The table below sets out a summary of costs. All salary costs are budgeted including on costs at the top of scale point for the relevant grade.

	Grade	Fte	£
SEN Casework Officer	PO1	5.0	222,907
Casework support officers	SO1	2.0	77,734
Data monitoring/systems officer	SO1	1.0	38,867
Teacher – SEN Inclusion	MPS6	1.0	51,140
Caseworker – Elective home Education (increase to full time)	C1	0.4	12,782
Attendance lead	PO6	1.0	62,335
Exclusion lead officer	PO2	1.0	47,250
Positive Destinations Manager	PO6	1.0	62,335
			575,343

What are the legal implications?

41 These plans support the authority to meet its legal duties under the Children and Families Act 2015 and SEND code of practice. To identify and assess special educational needs; to write and maintain Education Health and Care plans to meet needs for those with SEND; to ensure suitable provision of education for all children and young people not attending a school setting and or missing out of education whether due to illness or otherwise

What are the key risks and how are they being managed?

42 The risks to the authority of not delivering a strategy to reduce backlogs and meet significant increased demand for statutory SEND services are legal, reputational, and financial.

43 There is significant risk that unless support is made available at the earliest and/or preventable level that not only will children and young people with SEND and those in vulnerable contexts

have significantly poorer outcomes but that the imminent SEND CQC will find the LA inadequate in identifying, assessing and meeting need.

- 44 Failure to meet statutory duties poses great risk to the young people with SEND and the cost to the LA is potentially great both in financial terms and in reputation, with significant complaints being received from parents, Cllrs and MPs leading to Ombudsman rulings and appeals and tribunals.
- 45 Implementation of the proposals outlined depends upon the successful recruitment to these newly established roles. There is a risk that there will be insufficient suitable applicants to fill the roles, however work is ongoing to ensure that roles are widely advertised, both locally and nationally.
- 46 An additional risk has been identified that the new roles may be filled by existing staff, creating vacancies and pressures elsewhere in the service. This would have the benefit of retaining the skills and experience of staff within the service and the Council and is in line with the approach to continuing professional development. It is acknowledged that in turn it may be necessary to recruit to vacated roles in line with the council's policy and procedure.
- 47 The delivery of this strategy is a key priority for the Children and Families Senior Leadership and has the support required from relevant directorates and services areas (Resources, Human Resources, Finance etc.).

Does this proposal support the council's three Key Pillars?

☒ Inclusive Growth

☒ Health and Wellbeing

☒ Climate Emergency

- 48 The SEND and Inclusion strategy addresses all the priority issues that need to be addressed to improve outcomes. The Strategy, in line with the Children and Young People's Plan for the city, identifies the key shared values of Inclusion, Individualisation and Integrated pathways and services. To embed these values within practice and to improve the outcomes for children and young people with SEND, six priorities for action have been agreed.
- Early Identification of need
 - Workforce development
 - Development of quality plans
 - Support for those in vulnerable contexts
 - Continuum of provision to meet need
 - Working together across all services
- 49 The SEND practice framework has been conceptualised to deliver on this agenda and to support the turning of the curve so that children and young people can get the help and support they need without having to go through statutory processes. The Framework will aim to combine the ethos and principles of child-friendly, inclusive city and the national and legal framework of the SEND Code of Practice, with practical tools, learning and resources, all brought together in one shared resource for practitioners across the city.
- 50 Systems and processes have been restructured, and IT developed to ensure that officers are able to work remotely, reducing travel demands.

Options, timescales and measuring success

What other options were considered?

- 51 The 'do nothing' option would lead to unacceptable unmitigated risk in relation to the concerns set out above.

52 It is assessed as not feasible to reduce backlogs and meet significant increased demand for statutory SEND services without the investment in the resource infrastructure as identified in this report.

How will success be measured?

53 As described in the body of this report we will measure success in terms of:

- Reducing backlog
- Meeting statutory timeframes around EHCPs and attendance
- Relevant performance indicators.

What is the timetable for implementation?

54 Recruitment to the roles established in this report will begin as soon as possible.

Appendices

55 Appendix A – Demand and Performance Information

56 Appendix B – Structure Charts and Job Descriptions for established and extended posts.

Report para	Role	Scale	Appendix
16	SEN Casework Officer	PO1	B1
17	Casework support officers	SO1	B2
18	Data monitoring/systems officer	SO1	B3
20	Teacher – SEN Inclusion	MPS6	B4
22	Attendance lead	PO6	B5
23	Exclusion lead officer	PO2	B6
25	Positive Destinations Manager	PO6	B7

57 Appendix C – Equality impact assessment

Background papers

58 None