

**REPORT OF SEN GROUP TO
LIFELONG LEARNING SELECT COMMITTEE**

On

SPECIAL NEEDS IN PORTFOLIO STRUCTURES

By

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RECOMMENDATIONS

The group has three recommendations.

- 1. We recommend that the position of SEN, Special Schools (and potentially PRUs) within the portfolios should be reviewed.**

We suggest that there are a number of alternatives. One possibility would be to relocate these functions, within the Education portfolio. This would then become a very large portfolio, but one way forward would be to have a joint portfolio comprising education and children's services with two portfolio holders.

The advantage of this reorganisation is that it would address one of the aims behind setting up the Children and Young People's Portfolio, which was to ensure closer working to ensure that services are focussed on children in need. We support this aim and think that whatever solution is adopted, members must be able to work towards breaking down cultural boundaries, and to ensure that solutions for children are not dictated by departmental boundaries.

Within such a merged portfolio there could be one joint manager with two sub managers, one for education and one for children's services.

An alternative would be for the Children and Young People's Portfolio to be incorporated into Personal Care. We are unable to comment on how this would work because we have not taken evidence from the Personal Care Select Committee.

We do not support a solution, which puts Special Schools back into Schools but leaves SEN within Children and Young People's Portfolio. We think that this perpetuates confusion for parents and schools and cannot produce clear reporting lines for staff.

- 2. We recommend that there should be some permanent body at member level which monitors Special Educational Needs.**
- 3. We recommend that links between parents and decision taking members need to be re-established through some formal mechanism.**

Recommendations 2 and 3 could both be addressed through a PAG, or a standing sub-committee of the Lifelong Learning Select Committee.

The group has also identified issues which we think need to be taken further. These are:

1. How is the LEA to monitor the services provided to SEN children when budgets are delegated?
2. The SEN review has included work on Statements. We think that members should look at the statementing process, especially in the light of the new DfEE Code of Practice .

3. The county now has very good statistical data on SEN over the past few years, which throws up some obvious geographical disparities. These should be investigated.
4. Is the county making the best use of its resources to meet the needs of children, or are we still hidebound by departmental boundaries? Is there an appropriate balance between support for families or are problems at home not being addressed, which lead to worse problems at school? Should we review boarding placements to see if respite care would be a better and cheaper alternative for some children and their families?

1 AIM

To comment on the effects of the division of responsibilities between the Schools and Children's and Families portfolios and make recommendations on any future modifications.

2 PROGRAMME OF WORK

- 2.1 The Lifelong Learning Select Committee commissioned two reports from the SEN group based on the group's own recommendations, namely:
- (A) Report on portfolio structures;
 - (B) Interim report on Early Years and Early intervention.

We were particularly asked to consider the comments in the Management Letter to Members from the District Audit dated December 2000 which is attached as an Appendix.

- 2.2 Bearing in mind the required reporting timetables the Group decided to pursue both investigations in parallel but write the reports separately, leaving time for further work on early years and early intervention after the portfolio report was complete .
- 2.3 The group does not feel that the work is complete, more time could be spent. Nevertheless the cross section of people we have interviewed and the unanimity of most messages leave us in little doubt that our conclusions are broadly correct. Further interviews with a Social Services officer and a health officer could be undertaken to provide a wider perspective.
- 2.4 Interviews and discussion took place with the following and notes are attached as Appendices:

Peter Scott (Head of Pupils students and families (App 1)
Kim Hart (Senior Support Teacher) - in conjunction with Peter Scott (App 1)
Ian Rowe (Presentation on Trends in Statementing) (App 1)
John Beckerleg (General Manager supporting Cabinet Member
Margaret Aston (App 2)
Patricia Radford (Parent Partnership Officer - Pupil Support) (App 3)
(All BCC Officers)
Bridget Campbell (Parent representative for South Bucks Downs Syndrome Association, Parents Consultative group and other BCC groups) (App 2)
Anne Smart (Headteacher Marsh Infant School, Wycombe and as representatives for Wycombe First schools) Site visit (App 4)
Written representation received from:
Robert Butcher, (Chair of Governors Park School, Aylesbury) (App 5)

3 ISSUES RAISED

3.1 UNDERSTANDING THE CURRENT PORTFOLIO STRUCTURES (Attached as appendix 9)

- 3.1.1 John Beckerleg pointed out the reasons why Members had decided on the current structures. The Wendover House report, and Root and Branch review in particular had led to an aspiration to focus on children's services (App 2 para.1.1)
- 3.1.2 The need to focus was not in dispute. However John Beckerleg pointed out that we need to give more thought to the principles and that "we were not as clear at the beginning as we should have been". (App2 para. 1.3).
- 3.1.3 Furthermore the group noted that the portfolio structure had been implemented without consultation with staff, schools, or parents of affected children despite well used existing channels of communication.
- 3.1.3.1 The need to create portfolios as a result of modernising at BCC seems to be understood. However the rationale for the particular split does not.
- 3.1.4 Much of this report flows from the fact that the Council did not explain the reasons for its decisions nor understand the consequences of them. Nevertheless the need to champion children's services will be an imperative whatever portfolio structures are finally decided upon.
- 3.1.5 Members emphasised that this portfolio split had been agreed as a pilot to be reviewed.

3.2 The Effects of the Current Portfolio Structures

3.2.1 The new structures have affected :

- management and staff
- parents of SEN children
- Special Schools
- PRU's

3.2.2 Management and Staff

John Beckerleg, Peter Scott and Patricia Radford all pointed out the profound effect the change has had on reporting lines. (App 1 para 2.2)

Pupils Students and Families Department was now reporting to 3 cabinet members through their general managers.

The pupil support team itself - which covers statements and exclusions - is reporting in 2 directions. (App 3 para 2.1)

John Beckerleg instanced split reporting of senior Social service officers (App 2 para 2.1)

- 3.2.3 The Group concluded that this has affected the ability of managers to manage. The lack of clear reporting lines and areas of responsibility and budgets right

up to cabinet level may cause a paralysis, which, in the Group's view, could soon affect service delivery. Front line staff are confused, the ability to react on SEN issues is hindered as no one is sure where responsibility lies, and crucially, the ability to implement the SEN Strategy and Plan itself is impaired.

3.2.4 Parents of SEN Children

Patricia Radford noted that parents in general react to confusion - and they are confused at present (App 3 para 5.2). If they do not know where a decision is being taken they react with more inquiries and more pressure on staff.

As a parent of a boy with Downs Syndrome, Bridget Campbell has acquired substantial knowledge of the way BCC worked in this area. She had immediately noticed a change as the SEN panel and Children's Board (both of which she was a member) had gone. She says without a direct input to Members the Parents Consultative Group is likely to "wither and die". (App 2 para 3.3)

The effects may not be immediate but the loss of a forum to share understanding is crucial and will probably impact as an increase in Tribunal cases as well.

3.2.5 Special Schools

Special schools are all opposed to being separated from other schools. The sentiments expressed by Robert Butcher, Chair of Governors at Park school must be noted (Att as App 5) as he speaks as a representative of all Special Schools. He points out that the current portfolio structure flies in the face of inclusion.

Anne Smart reinforced the point (App 4 para 5.1) and highlighted the different Cultures which apparently exist between education and social services. Special schools do not understand why they should be managed by Social Services.

They are schools like any other. Mainstream schools rely on direct educational access and the expertise and experience of special schools.

John Beckerleg, who with Margaret Aston has had a number of meetings with special schools, reinforced the point (App 2 para. 1.4) which in the group's view is of immediate concern.

3.2.6 PRUs

We understand that a separate report is being prepared on PRUs.

3.3 Channels of Communication

3.3.1 Before the modernising changes at the Council formal and informal channels of communication were in place.

At a stroke, the portfolio changes suspended virtually all formal channels of communication involving and leading to members concerning SEN. The SEN Panel and Children's Board were discontinued and we are unsure whether Margaret Aston attends the SEN Strategy Group as did Cllr Margaret Dewar.

- 3.3.2 As described in para 3.2.4 Bridget Campbell is quite clear that without effective access to Members the Parents Consultative and Partnership Groups would “wither and die”. (App 2 para. 3.3). The letter from Robert Butcher (App 5) written on behalf of all special schools, asks for a meeting with Cllr David Shakespeare. We are unsure whether this has taken place but it illustrated that normal channels to power appear closed.
- 3.3.3 Cllr Brenda Jennings reported that at its last meeting the SEN Panel had expressed concern that its experience would be lost.
- 3.3.4 Patricia Radford spoke of her concern that portfolio holders simply will not have the time to take account of Parents’ views as far as SEN is concerned. (App 3 para. 7.4). She does not see how the Parents Consultative Group can feed back its views to Members. The point is reinforced by Peter Scott, who does not see a clear reporting line from this department to portfolio holders and therefore is unsure where and how budget decisions will be made.
- 3.3.5 We conclude that not only is the Council currently unclear of the effects of the portfolio structures, it does not appear to have communication systems to enable it to learn. This needs to be addressed quickly and effectively.

3.4 Culture and Partnership

- 3.4.1 When members agreed to this division between the portfolios it was partly to facilitate breaking down barriers which appeared to prevent the children themselves being the focus of services.
- 3.4.2 The two departments primarily concerned are Education and Social Services but Anne Smart highlighted the role of the NHS Trust as well. For children’s services to be delivered at their optimum therefore, three services need to be working in harmony.
- 3.4.3 We have not had the opportunity to question any officers from Social Services or the NHS Trust but we have heard numerous reports that different cultures and working practices are stumbling blocks as well as sharing of budgets.
- 3.4.4 It may well be that in creating the current portfolios members believed that the changed structures would produce improved working. It appears a change of culture is required which may need to be achieved by other means. It is by no means clear that the current portfolio division helps this.
- 3.4.5 Patricia Radford was perceptive in drawing attention to the problem of delivering the best and most cost effective solution for a child who is statemented. (App 3 para. 4.2/4.3). She says that the “who funds what” debate too often takes place on the basis of managers’ budget headings rather than the child’s needs. The fact that a child is placed in a boarding school when what is needed is family respite care was an example.

- 3.4.6 John Beckerleg sees sharing information systems, multi disciplinary teams, co-location and shared staff training as means of breaking down barriers. Other authorities including Herts CC are working in this way. (App 2 para. 5.2).
- 3.4.7 Anne Smart expressed marked dissatisfaction with Social Services and their apparent lack of understanding of two specific cases to illustrate her point. (The group feels that the Select Committee should interview a Social Services officer to get a balanced view).

However, Anne Smart also drew our attention to the lack of co-operation from the NHS Trust in providing the Speech and Language therapy reports necessary for a stage 4 referral (App 3 para. 3.4) as well as the Trust's refusal to fund its share of a much needed language department. Again the group have not had the opportunity to interview a representative from the Trust.

- 3.4.8 Educational psychologists are seen as a part of the cultural barrier because their approach to the assessment process seems to cause frustration to parents (cited by Bridget Campbell) (App 2 para. 2.3) and teachers as reported by Susan Lynas, (ex SENCO at Marsh school) who felt a marked difference of view with the Educational psychologists in many individual cases. This is professional as well as cultural but in Susan Lynas' case it was one of the reasons why she had resigned as SENCO at the school.

The lack of Educational psychologists appears to be a major cause of delays in statementing. Schools commented on their very restricted access to Educational psychologists.

- 3.4.9 The differences in culture as reported to the group seem to be stark. Although John Beckerleg talked of "green shoots" and Patricia Radford thought that there had been an improvement the group concluded that differences in culture and working practices may well be greater barriers to more effective SEN service delivery than structural issues.

3.5 Consequences of Delegated Funding and School Autonomy

- 3.5.1 Members of the group are aware of the wider debate taking place within the Council on the nature of the relationship between the LEA and schools at a time when more and more funds are being delegated.
- 3.5.2 Yet it was Bridget Campbell - a parent - who stated the twin dilemmas most clearly when she said that with regard to SEN the crucial concerns are:
- If money is delegated by formula that bears little relationship between the school and the statemented child, it is difficult to understand how this achieves a satisfactory delivery;
 - How does the LEA monitor whether or not a school is discharging what is still the LEA's responsibility in respect of statemented children? (App 2 para. 4.1)

- 3.5.3 Kim Hart had already raised the monitoring point from a slightly different angle. Monitoring must be supportive and be seen as supportive. (App 1 para. 2.3). She did not think these mechanisms between LEA and schools were in place at present.
- 3.5.4 Patricia Radford foresaw that if the results achieved by schools for SEN pupils were not monitored there was a danger that the funding would simply be lost in the general school budgets. (App 3 para. 6).
- 3.5.5 At its very first meeting the group identified the need to explore how the LEA can achieve its SEN Vision if the agents of delivery - schools - were in control of most of the resources by virtue of delegated budgets. We are not reassured that the LEA has appropriate mechanisms in place to deliver its strategy on the basis of the views we have heard.
- 3.5.6 In parallel to this Peter Scott pointed out that the LEA was being frustrated in its needs to establish primary language centres in the south of the County because it has been unable to persuade schools to have them. (App 1 para. 2.1). Anne Smart was aware of the problem and both she and Peter Scott pointed out that a school's reputation is partially made through Ofsted reports and PANDA reports. Behaviour problems and low performance against averages are taken into account and school fear that pupils attending a language department might well show the school in a poor light even though it was contributing to an overall improvement across the area.
- 3.5.7 The group recognise that the lack of specialist language departments (when the Trends highlighted by Ian Rowe show clearly that there is a massive increase in demand) is a problem. How to resolve this is unclear but this may be a clear case where capital investment now could reduce revenue spending pressures later.

3.6 Statementing Process

- 3.6.1 It is not within our remit to report on this but it is worth drawing attention to the fact that it is here that cultural and budget issues come to a head, as well as staff shortages.
- 3.6.2 We have reported above on these. We are aware of the statistical improvement in issuing statements.
- 3.6.3 Peter Scott also highlighted the potential effects of using a “needs led” model although this is awaited imminently from DfEE. (App 1 para. 1.3).
- 3.6.4 However the view from schools as expressed by Anne Smart was that statements are harder to get, that consistency is still a problem and that the commencement of the “18 week” period is still a source of confusion.

3.7 Early Years and Early Intervention

- 3.7.1 Issues raised will be the subject of a further report. This will also cover the implementation of the SEN strategy and vision from years 0-8, drawing on some of the issues referred to above.

3.8 Trends

- 3.8.1 It is worth drawing the Select Committee's attention to the following Trends as highlighted in Ian Rowe's presentation as these may well yield areas for further reports.
- (a) Children are being statemented much earlier but there is hardly any de-statementing, thus increasing the 'statement –years' total which the LEA must fund
 - (b) Aylesbury Vale show a greater % of statements that the other areas and other performance data also shows pupils in Aylesbury Vale performing below those in other areas.
 - (c) There is a far higher incident of EBD amongst boys than girls although the reasons for this may need exploring.

(All highlighted in App 1)

4 RESPONSES AND RECOMMENDATIONS RELEVANT TO AIM

Effects of Modernising

- 4.1 Although our Aim is to comment on the effects of the division of responsibilities between portfolios, the issues described in above have wider implications. We need to examine these too but only where they are relevant to the portfolio issues.
- 4.2 The creation of portfolios is not the Council's choice: it has been dictated by Government. But the division is the Council's choice.
- 4.3 The effect of the portfolio system should be to make accountability and responsibility more transparent: when the council adopt the system after the pilot ends it should be possible to trace lines of responsibility and power, with budgets to match, right up to a cabinet member through a cohesive line of management. In the present portfolio division the opposite is the case. Not only is responsibility split between two cabinet members, the management lines leading to them are diffused.
- 4.4 At present, officers are unsure as to where the power lies and who to turn to for decisions. The relationship between General Manager and Cabinet Member is as yet undefined in terms of powers and responsibilities and exacerbates the confusion. This urgently needs clarification.

Schools and Delegation

- 4.5 At the same time as creating a portfolio structure however budgets to schools are increasingly being delegated. With budget comes power. Yet responsibility for providing the entitlements which a statement brings still lies with the LEA.
- 4.6 There is acceptance on all sides that the SEN Strategy and Vision is a well thought out document and its principles are accepted. The means of implementing the strategy are not evident and as operational decisions are required the diffusion of powers is causing a significant problem. It may not be possible to put in place the required mechanisms to deliver the strategy until;
- the Bucks LEA redefines its purpose
 - the portfolio structures match the purpose
 - the “contract” with schools is defined

Defining the LEA

- 4.7 The functions of the LEA as the group understands them are now:
- (a) Access
 - (b) Organisation and Admissions
 - (c) Monitoring and school improvement
 - (d) SEN

The current portfolio structure actually splits the LEA function between two Cabinet Members. Is this sensible or practical?

The Contract with Schools

- 4.8 Perhaps more importantly the authority does not appear to have created a monitoring system for schools which, in Kim Hart’s term, is “supportive and perceived as supportive”. When the money is delegated so is control. In return for money what can the LEA expect from the schools which are to deliver its SEN policies and the children's entitlement? This comes to a head in our inability to provide much needed language departments.

Partnership

- 4.9 The aim of the new structure is provide a focus for a child centred service for a particular group of children. Yet in the marriage of Education and Social Services which, for a small group of children, comes to a head in statementing, the power and responsibility is still diffuse. Once the entitlement is established, who should be providing what service with which budget?
- 4.10 But as Robert Butcher points out in his letter (App 5) “it is only a particular minority of vulnerable or disadvantaged children within Special Schools who need additional support from Social Services”. Broadening the point, how many children with Special Needs also require help from Social Services? Do

we know the number of shared cases? Have we not created a portfolio structure to improve the service to what is actually a substantial - although vital - minority? By treating the special cases as the norm have we thrown into confusion the entire Special Needs structure which should undoubtedly rest, and continue to rest, within the LEA as one of its prime functions?

Children's Champion?

- 4.11 This is not to detract from the point that we need a children's champion. But this champion must concentrate on the particular children who need services from both departments and ensure that services are focussed on the child rather than on protecting budgets. In fact what is needed to improve co-operative working is cultural change not structural change. At present, profound structural change is absorbing energy which should be directed at cultural change. Did we mis-analyse the problem and apply the wrong tools?
- 4.12 Consequently, whilst we accept that there are discussions taking place to redefine a split portfolio we do not see an outcome which perpetuates the split as any thing other than artificial.

Culture

- 4.13 As a general manager with considerable experience across the Council John Beckerleg has an acute perception of what is necessary to move forward. In particular he instanced ways in which teams could work together.
- 4.14 Just as important he counselled that when a decision on portfolios is finally made we involve representatives of all those affected and seek their advice. We agree. To make a sudden change now would only put a sticking plaster over a wound. The issues raised above will not be resolved in a simple decision but as a result of a process. We need to start the process and encourage the 'green shoots'.
- 4.15 Our interviews have highlighted difference of culture between Education and Social Services, schools and education departments, Special Schools and Social Services, health and the schools. We do not know exactly what these are but they clearly exist and at present are hindering the provision of the best possible service to a significant number of children who need it. This is not to say that it affects all children by any means and we must not lose sight of this.
- 4.16 However we see it as a cabinet member's responsibility to set in motion a process to be headed by one manager - a children's champion - to break down the cultural division using the techniques described by John Beckerleg and apparently being used elsewhere. This process would require involvement not just consultation with interested parties.

Communications

- 4.17 With the advent of the cabinet and scrutiny system the Council also chose to discontinue important channels of communication and in doing so downgrade the perceived importance of others.
- 4.18 Although links with officers are largely intact on all sides, Special Schools are understandably confused as to where their management lies. From their point of view they have been cast out from education into something new and ill-defined whilst at the same time still relying on services provided by education. Their reaction is sharp - and rightly so.
- 4.19 However, by discontinuing the SEN Panel and Children's Board we have apparently severed all existing two-way channels with portfolio holders and non-executive members. In retrospect this looks ill-advised and a re-instatement of some sort of permanent forum with links to cabinet and a forum with links to scrutiny is essential. We suggest the need is immediate.
- 4.20 Bearing in mind the cultural changes required it will not be appropriate simply to re-establish the previous panels. We need to invent new ones, which take account of the different strands of provision and the children who need it.
- 4.21 We also note that Bridget Campbell had contact with the Personal Care Select Committee and some joined up thinking on the scrutiny side is needed. It may be that a higher degree of focus on children's care from the scrutiny side may have benefits:
- (a) Provide a continuing base from which to consult and pass on comments to Cabinet.
 - (b) Provide a member led forum to ensure that children's services focus on child need.
 - (c) Ensure that scrutiny of children's services does not get lost within the wide-ranging brief of the Lifelong Learning Select Committee nor conflict with the brief of the Personal Care Select Committee

5 RECOMMENDATIONS

Our recommendations are set out at the beginning of this document

CONCLUSION

The group comprised of Members of the County Council with varying degrees of previous experience with the issue of Special Educational Needs, and one non-councillor representing Special Schools. We have attempted within a limited time to address the brief given to us by the Committee. The strong view of all of us is that we have only made a very small inroad into this important area and we are unanimously of the view that a substantial body of further work needs to be done on this subject. We would like to thank our officer support team for deciphering our notes, arranging our meetings and helping us to meet our deadline.