

MAYOR AND CABINET		
Report Title	Response to Public Consultation Regarding Services for Children with Complex Needs in Private and Voluntary Nurseries	
Key Decision	Yes	Item no.
Ward	All	
Contributors	Executive Director for Children and Young People Executive Director for Resources and Regeneration Head of Law	
Class	Part 1	Date: 20 June 2012

1. Summary

- 1.1 On 15 February 2012, the Mayor agreed that officers should begin public consultation on relevant aspects of the Complex Needs Review Savings Proposals (see Appendix A)
- 1.2 This report informs the Mayor and Cabinet of the outcomes of that consultation with parents and private, voluntary and independent providers of nursery education (PVI's), regarding proposals to integrate services for children with complex needs in order to improve outcomes and experiences for children and parents/carers, and to make savings.

2. Purpose of the Report

- 2.1 Proposals concerning savings from the restructuring of services supporting children and young people with complex needs in Lewisham, and their families were made to Mayor and Cabinet on 15th February 2012, and agreement provided for public consultation to proceed where changes to front line services were proposed.
- 2.2 This report is to inform Mayor and Cabinet of the comments made by members of the public affected by the proposed changes to services supporting some children aged under 5 children with special needs attending private and voluntary nurseries in Lewisham.
- 2.3 This report provides a response to the points raised during the public consultation, and seeks authority to proceed with the proposed service changes.

3. Recommendations

- 3.1 It is recommended that the Mayor considers the outcomes from the public consultation and agree that the savings proposals set out in the 15th February 2012 be implemented so that :
- 3.2 Support for children with complex needs in PVI early years settings will be on the same basis as for early years settings in schools and therefore transfer from the Inclusion Early Years Team to an expanded Educational Psychology function within the Standards and Achievement service, working alongside the Early Years Improvement team, with support for ASD children coming from an increased early years resource at Drumbeat.
- 3.3 Support for vulnerable children, young people and their families/carers, and to educational settings will be provided by the Early Intervention Service, building on the work previously undertaken by the BEST team.

4. Policy Context

- 4.1 Lewisham's Sustainable Communities Strategy 2008-2020 includes the priority Ambitious and Achieving, where people are inspired and supported to achieve their potential. The Strategy sets out commitments to support all our young people by removing the barriers to learning, and more broadly to tackle inequality and narrow the gaps in outcomes for our citizens, including children and young people with complex needs.
- 4.2 The improvement of services for children with complex needs is a strategic priority for Lewisham's Children and Young People's Strategic Partnership, and is specified in the Children and Young People's Plan 2009-12 (Priority EA5).
- 4.3 It is important to note that services for children with SEN and those that support children with complex needs with their social and health needs are all strong and improving in Lewisham. New service arrangements are required to help Lewisham move to a more integrated offer for children and young people with complex needs which should help to improve even further the outcomes and experiences for them and their families. This is in line with the Government's intention to reform funding and support for children with complex needs over the next two years to secure a more integrated approach for children and families. In addition, in the current climate, changes to services are the first step in securing savings by reducing management, removing duplication and setting the foundations for further exploration of integrating assessment and support processes, which are expected to lead to further savings in due course.

5. Background

5.1 The report to Mayor and Cabinet on 15th February 2012 (Appendix A) identified £243k to be released for savings resulting from the Management Review conducted by the Executive Director for Children and Young People. The report set out the full background to the proposals from this review which, in summary, were to:

5.1.1 Reorganise services within the Directorate for Children and Young People to bring together all assessment, planning, intervention and support functions for children and young people under a single management, thereby reducing management costs;

5.1.2 Reconfigure the Inclusion Service, in order to remove duplication with the Early Intervention Service; rationalise support for 0-5 year olds with special needs and build capacity to support and challenge schools and early years settings to improve their provision related to children and young people with special and complex needs;

5.1.3 Realign other services relating to children with special and complex needs to ensure coherence (e.g. work on planning to secure sufficient SEN places in schools).

5.2 Two stages of implementation were proposed. The first stage was to reconfigure management lines and reduce management overheads and this was actioned following the staff consultation and implemented on 28th May 2012. Many positive suggestions were made during the staff consultation particularly to secure even stronger links across teams. These initial management changes and reduction have created:

- **Services for all individual children with complex needs and their families** will be provided through the Children with Complex Needs Service. They are now responsible for integrating Education, Health and Social Care assessment, planning and support. This is in line with the Government's plans to replace statements of special educational need in 2014 with single, integrated Education, Health and Care Plans. The SEN team have transferred to work in the Children with Complex Needs Service, as have the sensory team and those who manage 14-19 planning for students with learning difficulties and disabilities;
- **Services designed to build schools' and early years settings' capacity to meet the needs of children with SEN and complex needs** are now all led through the Standards and Achievement Division. The Educational Psychologists have transferred to this Division, along with the Specific Learning Difficulty (SpLD) specialist teachers. They will be responsible for general support to schools and settings in meeting complex and special educational needs and this will be more integrated with school improvement services to

increase impact even further. As well as supporting schools and early years settings, the Educational Psychologists will continue to work with individual children requiring statements or the new integrated plans;

- **Support for schools and settings in relation to ASD** will be from Drumbeat when it opens in September. The Communications and Interaction Team will work from Drumbeat;
- **Work to secure sufficient early years and school places for children with complex needs**, from 0-19, including in resource bases, are now led through the Pupil Places Team. This will allow the integration of planning for complex needs places with the planning of school and early years settings more generally.

5.3 The second stage of implementation will see the above teams working on revised and more integrated processes to identify further efficiencies and savings. This will consider the integration of operations, including processes, resource allocation panels and service pathways supporting children with complex needs.

6. Consultation Process

6.1 In addition to the management changes above, the proposals to save £243k, as set out in the 15 February 2012 Mayor and Cabinet report in Appendix A, proposed other changes to the Inclusion Service which would mean a change in the way services were delivered to early years settings in the private, voluntary and independent (PVI) sector. This required us to consult with those early years providers and with the parents of children who were currently receiving support from the Inclusion Service.

6.1.1 A large team within the Inclusion Service provides one to one support to children in private, voluntary and independent (PVI) settings. The Educational Psychologists provide support in school settings to under 5s providing non statutory services. In many cases the children receiving support have ASD needs and these services use expertise similar to that at Drumbeat. The proposals consulted on suggested that support for PVIs should be on the same basis as for schools and focus more on increasing their own capacity to fulfil their responsibilities to meet the needs of children with complex or special needs. The proposal was for the deletion of the Early Years Team within the Inclusion Service and reinvestment of some resource to enable there to be an enlarged Educational Psychologist Team with additional early years expertise to enable them to provide support across all early years' settings on a consistent basis. They would do this in conjunction with the newly established Early Years Improvement Team already working across the borough's providers and childminders to improve outcomes for our 0-5 year olds. In addition, as most of the children currently supported have needs related to ASD,

some resource would also be added to Drumbeat to allow them the capacity to support more 0-5 year olds in settings across the borough. Transitional support was included in the proposals to ensure no immediate change to those 0-5s receiving a service currently.

- 6.1.2 The proposals also included the deletion of the 2 staff in the BEST team as the new and larger Early Intervention Service now includes their work and they are able to build on the foundation established by the BEST team.
- 6.2 The consultation period ran from the 19th April 2012 and ended on 21st May 2012.
- 6.3 A consultation document explaining proposals to change arrangements supporting children with complex needs in private and voluntary nurseries was circulated to all 120 providers on 19th April 2012. 50 copies were provided to each of these providers for distribution to parents of children currently attending nurseries with more available on request. The Consultation Document is attached as Appendix B.
- 6.4 The consultation paper also set out the transition arrangements that we proposed to ensure that all parents and children currently receiving a service still had access to it.
- 6.5 A public consultation meeting was held on the 2 May 2012 where parents and those affected by the proposed changes were able to ask question, receive answers and log their comments. No parents came to the meeting, despite it being well publicised through PVI's.
- 6.6 A public consultation meeting was held on the 30th April 2012 where nursery providers affected by the proposed changes were able to ask questions, receive answers and log their comments. Only 5 people attended from 4 providers.
- 6.7 There was a total of 9 respondents to the public consultation, 5 of them were nursery providers and 4 were parents. Similar issues emerged from some of the responses and these have been grouped together. All responses to public consultation can be found below at point 7.

7. Consultation Outcomes

7.1 Concern over reduction of 1:1 support in PVI settings but a recognition that all staff need to be trained to meet all children's needs

Concerns were raised over the reduction of 1:1 support in PVI settings but also a recognition that it will be more beneficial for children in these settings if all staff have received training and are confident to meet varying levels of need. One parent stated that the involvement of the

early inclusion team in a private nursery setting had been 'invaluable' in terms of both the educational and social development of their child.

One parent emphasised the input of the service to have been instrumental enabling their son to make 'a fantastic and very noticeable improvement in not only his speech but also the interactions between him, the nursery staff and other children.' She also noticed a distinct reduction of frustration and aggression. She voiced a concern that without this service, the routine of their son would be disrupted which would result in behaviour changes and a regression in the areas that progress had been made in. This could have a knock on effect in terms of 'upsetting' the routine of the nursery in general.

Response

It is the responsibility of every nursery to meet the needs of all its children, including those who have special needs. Our proposal is that services to private and voluntary nurseries should be brought into line with those services provided to school nurseries, and that, in the future, the Educational Psychology Team should support all nursery settings to help them to meet the needs of all children in their care. It is proposed that the size of the Educational Psychology Team is increased to facilitate this.

Most support that is provided to settings is in relation to children with ASD, so it is proposed that Drumbeat will get extra resource to meet this demand.

7.2 Concern about parents' 'reluctance' to meet Educational Psychologists

One PVI setting has highlighted the potential for parents to be reluctant to meet with an Educational Psychologist as the job title may be perceived as daunting.

Response

The Education Psychology Team will work closely with PVI settings and with families to engage with parents and to ensure there is full understanding of the service and support that is being offered.

7.3 Queries about Drumbeat

Some queries were raised about access and eligibility criteria for Drumbeat.

Response

Part of the role of Drumbeat is to provide outreach to families, and not just to take children with very complex needs. This is to ensure that as many children and parents/carers who need the support through Drumbeat are able to receive it.

7.4 Admissions to primary schools

PVIs expressed the concern of some parents that if their child is 'labelled' as having SEN, their chances of getting a school place could be affected. Alongside this some PVI settings felt that they had experienced that children with SEN were not offered places at some schools. There also appeared to be difficulties experienced by some PVI settings in relation to the formal transition process from nursery to primary schools.

Response

Schools cannot say no to offering places to children. The Council continues to work closely with all schools in the borough to ensure all children with special educational needs are prioritised according to our and schools' admissions policies. Schools continue to be supported, through the Standards and Achievement service, to meet the needs of all children. The Complex needs Service will also ensure that the needs of children are being met across health, education and social care.

7.5 Referral processes / CAF

Questions were asked about referral processes into the new service and whether this will still need to be through the Common Assessment Framework (CAF), even if the referral is related to initial concerns.

Response

Referrals to the proposed expanded EP service within the Standards and Achievement Service will continue to be through the Common Assessment Framework and the team around the child approach. This approach is already embedded across the Children and Young People's Strategic Partnership.

7.6 One parent responded to say the consultation document was not available on the internet and that she hadn't been given the information in time for the public meeting.

Response

The distribution of the consultation document to PVIs was followed up with a phone call to providers to check they had received the information and distributed it to parents. There was an issue about the documents not being immediately available on the website but this was quickly rectified.

7.7 Concern over availability of places in PVI settings

Some PVIs raised issues about PVIs not offering places to children with SEN if there wasn't the direct support available as there is now.

Response

There is an expectation on PVIs to provide places to children with SEN and OfSTED will expect to see all PVIs meeting the needs of children with special needs. PVIs will continue to be offered support and

training to fulfil their responsibilities but they should not be reliant on the Local Authority to provide directly for their children. We will monitor how well PVI's are meeting their responsibilities through our ongoing work with them through the Early Years Improvement Team, the Educational Psychologists and Drumbeat. For children with more complex needs, the Pupil Places Team are including complex needs capacity in the update of our early years sufficiency review.

7.8 Personal issues

Issues were raised by one parent about the services received by her child. A personalised response has been provided to this parent in answer to the concerns raised.

8. Human Resources Implications

- 8.1 Subject to the recommendation in this report being agreed, the proposals outlined in the 15th February Mayor and Cabinet report will result in a number of redundancies from the Early Years and BEST teams. Staff consultation on this has already taken place. 26 employees are directly affected by these proposals, with 19 at risk of redundancy. There are potential redeployment opportunities within the directorate for a small number, and those issued with notice of redundancy will be considered for redeployment across the council if they wish to pursue this option. Those issued with notice of redundancy will be advised of their appeal rights and support available.

9. Financial implications

- 9.1 Following the consultation, the financial implications remain unchanged from the 15th February Mayor and Cabinet report (see appendix A).

10. Legal implications

- 10.1 In respect of public law there are no legal implications with regards to the consultation and the decision-making process, given that all due processes have been followed.
- 10.2 In terms of employment law there are clear business reasons for the restructuring in connection with the services supporting children with complex needs which provide grounds to make changes to job roles and redundancies as detailed in Paragraph 6.1.1 and 6.1.2. The process will be managed in accordance with the Council's Management of Change Guidance to ensure compliance with relevant legislation.

11. Equalities implications

- 11.1. The proposals seek to establish a service which improves outcomes for children and young people with complex needs. and their families or

carers. These children, young people and their families are amongst those experiencing the most challenging circumstances, and are likely to require high levels of support in response to their needs and vulnerabilities.

11.2 The breakdown of the staff affected is shown below:

MEN	5
WOMEN	21
BME	6
WHITE	20
OTHER	1
DISABLED	1

11.3 A further breakdown of all staff at risk of redundancy is given below:-

MEN	1
WOMEN	18
BME	6
WHITE	12
OTHER	1
DISABLED	1

11.4 A full Equality Analysis Assessment informed by the outcomes of consultation processes is attached (see Appendix C).

12. Crime and Disorder Implications

12.1 There are no crime and disorder implications arising from this report.

13. Environmental Implications

13.1 There are no environmental implications arising from this report.

Background Papers

Mayor and Cabinet Report, 15th February 2012 Complex Needs Review Savings Proposals (Appendix A)

Consultation Documents (Appendix B)

Equalities Analysis Assessment (Appendix C)