

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: 2223005

BOX 1

DIRECTORATE: LO:CYP

DATE: 21.04.22

**Contact Name: Rebecca
Mason/Martyn Owen**

Tel. No.:

Subject Matter: Service Transformation Fund – additional funding for SEND Team and Attendance Team.

BOX 2**DECISION TAKEN**

To utilise funding identified through the Service Transformation Fund of £109k to provide additional temporary capacity into the SEND Team, in the form of:

- 1 year fixed term FTE Senior SEN Officer (grade 10) this would use the existing Job Description but the post would focus on 1st Tier Tribunal (SENDIST) work. That work in itself involves all aspects of the Senior role.
- 1 year fixed term 1 FTE SEND Co-ordinator (grade 8)

In addition to utilise the Service Transformation Fund to provide additional temporary capacity into the Attendance and Pupil Welfare Service, in the form of:

- 1 x 0.5 Grade 8 Education Welfare officer for 6 months £19,848

BOX 3**REASON FOR THE DECISION****SEND Posts:**

There is a nationally recognised issue facing all LAs that have seen an increasing number of appeals against decisions that can be appealed to SENDIST, Doncaster is also seeing this was significant increase in tribunals.

In Doncaster the numbers have risen significantly. In July 2017 there were 3 live tribunal cases and in July 2021 there were 8. The total number of tribunals in 2020 were 13 and currently as

over April 2022 there are 10 active tribunal cases. It should be noted that this does not include cases resolved at the formal mediation stage.

There are a range of reasons for appeals to SENDIST, including:

- The Local Authority secured an EHC assessment but refused to make an EHC plan
- The Local Authority has issued an EHC plan following an EHC Needs Assessment
- I disagree with what the EHC plan says about the child or young person's special educational needs (Section B)
- I disagree with what the EHC plan says about the educational help/provision the child or Young Person requires (Section F)
- I disagree with the school/college/institution named in the EHC plan (Section I)

Alongside the increase in tribunals there has been a year on year increase since 2016 in requests for statutory assessments, and currently Doncaster maintains over 2300 Education Health and Care Plans with over 200 in the 20 week process. Due to these ongoing demands there is a need to increase the capacity in the SEND Service.

Without the additional posts there is a significant risk to the LA both reputationally and financially.

Utilising the service transformation funding to provide additional capacity will support the team to embed high quality case work whilst responding to high levels of requests. Moving towards embedding the additional workloads into business as usual.

Attendance post:

The AWPS has seen a significant increase in demand since the start of the pandemic, with a 250% increase in EHE notifications and a 40% increase in CME referrals. The team has been disproportionately affected by Covid and other serious illnesses and require extra capacity in order to address the increase in need over the next six months.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

There are a number of recruitment agencies that can supply Officers but there would be a limited or non-existent capacity for the associated case work needed and would come at a higher cost and with lower accountability.

Without addressing capacity pressures we will risk some children becoming vulnerable due to the lack of oversight and intervention or doing.

BOX 5

LEGAL IMPLICATIONS

S112 of the Local Government Act 1972 allows a local authority to appoint such officers as are necessary for the proper discharge of its functions, on such reasonable terms and conditions as it thinks fit. Salary grade should be determined by job evaluation.

It is advisable to set up a temporary contract for a fixed term. In order for liability in relation to unfair dismissal, to be limited there must be a legitimate reason for a fixed term contract and the employee must be made aware of this reason and of the anticipated length of the contract at the

commencement of the contract. After the 4th year of renewal the employee may be entitled to the position on a permanent basis.

If the length of the contract exceeds 1 year upon termination the employee may be entitled to be placed on the redeployment register and after 2 years may be entitled to a redundancy payment.

The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 confirm that employees should not be treated less favourably on the ground they are fixed term unless this is objectively justified. Less favourable treatment means, but is not limited to pay and terms and conditions.

It is important that sight is not lost of the Council's recruitment, retention, and vacancy management policies, which should be followed.

Name: Chloe Davies Signature: [REDACTED] Date: 28/04/22

Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6

FINANCIAL IMPLICATIONS:

The cost of this decision, based on the current 2022/23 pay grades including on costs, and subject to scale point appointed too, is between £104,650 to £116,950 as detailed in the table below:

Post Title	Grade/Basis	Cost £ Min scale point	Cost £ Mid scale point	Cost £ Max scale point
1 FTE x Senior SEN Officer	Grade 10 – 1 year fixed term	52,180	54,730	57,400
1 FTE x SEND Co- ordinator	Grade 8 – 1 year fixed term	34,980	37,380	39,700
0.5 FTE x Education Welfare officer	Grade 8 – 6 months fixed term	17,490	18,690	19,850
TOTAL		104,650	110,800	116,950

Costs of £21,600 for the SEND team posts will be funded from an Earmarked Reserve (EMR) for High Needs Strategic Planning which has been carried forward into 2022/23 to cover

temporary resources required in the SEND team due to the pressures in the service. The remaining costs of the SEND team posts and the full costs of the Education Welfare Officer post are to be funded from an £109,000 allocation for SEND and Attendance capacity from the Service Transformation Fund (STF).

The STF was established to target investment that will deliver future cost benefits, be it savings, better value for money, increased income or reduced costs and cost pressures. There is a finite resource available and therefore the fund needs to be prioritised and should be only accessed as a last resort after considering other options, starting with the effective use of staff resources.

Officer decisions in relation to the STF need to be approved by the relevant Director and the Chief Financial Officer in consultation with the Chief Executive.

Name: Aaron Bathgate **Signature:**  **Date:** 03/05/22

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7

OTHER RELEVANT IMPLICATIONS

Name: _____ **Signature:** _____ **Date:** _____

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

Ensuring continuity of delivery for these services will significantly support the ability of vulnerable children to access services and to reduce barriers to safe engagement with education. Both services work to reduce barriers to all groups who may be disadvantaged. This is especially important in the current climate where young people are presenting with increased needs and resources re stretched.

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

Failure to ensure sufficient capacity in key services would represent a major risk to the health and happiness of many of our young people.

There are no risks to increasing capacity in these areas, as funding has already been provided and these posts will support enhanced continuity of delivery.

**BOX 10
CONSULTATION**

These funds have already been agreed following discussion in a range of forums and senior level sign off within the council.

**BOX 11
INFORMATION NOT FOR PUBLICATION
None**

Name: M. Owen Signature [REDACTED] **Date:26/4/22**

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12
BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR YES/NO

(If YES please list and submit these with this form)

**BOX 13
AUTHORISATION**



Name: Riana Nelson Signature:

Date: 05/05/2022

Director of Learning Opportunities and Skills (DCS)

Does this decision require authorisation by the Chief Financial Officer or other Officer

YES

If yes please authorise below:

Name: Faye Tyas

Signature:



Date: 05/05/2022

Assistant Director of Finance _____

If yes please authorise below:

Name: Damian Allen

Signature:



Date:

06/05/2022

Chief Executive

Consultation with Relevant Member(s)

Name: _____ Signature: _____ Date: _____

Designation _____

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest YES/NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.