

Agenda Item 10 – Capacity within both SEND and EP teams to deliver statutory functions

1. Purpose of Report

1.1 The purpose of the report is to raise awareness of members to:

- The increased rise in caseload set against the pressures on capacity within both the SEND and the Educational Psychology teams to ensure the Local Authority meets its statutory duties in relation to children with Special Educational Needs.
- To bring within scope, as part of the HNB Review, the need to seek funds to support extra capacity of both teams from the HNB.

2. Background

2.1 The High Needs Funding : 2021 to 2022 Operational Guide states that the high needs funding system supports provision for children and young people with special educational needs and disabilities (SEND) from their early years to age 25, enabling both local authorities and institutions to meet their statutory duties under the Children and Families Act 2014. Part 3 of the Children's and Families Act 2014 includes, amongst other things

- Identifying children and young people with special educational needs and disabilities
- Education, health and care provision: integration and joint commissioning
- Duty to keep education and care provision under review
- Provision of Information and advice
- Assessment for SEN and EHCP
- Appeals, mediation and dispute resolution

3. Increase in Statutory Work

3.1 In the academic year 2014/15 when the reforms for SEND came into power the Local Authority completed 54 statutory assessments. In the academic year 2020/21 120 statutory assessments were completed, more than double the original amount. If the trend continues at the same rate then in this current academic year the expectation is for 132 statutory assessments. This is an increase of 115% since the baseline. See table below for details.

Statutory work Sept 2014 -22								
	2014 - 15	2015 - 16	2016 - 17	2017 - 18	2018 - 19	2019 - 20	2020 - 21	Projection for 2021 - 22
Total Number of EHCPs	434	472	526	534	599	657	748	
New EHCNA Proceeded	54	52	63	100	83	105	120	132
Requests for EHCNA	70	74	85	126	125	153	184	221
Tribunals	0	0	0	0	1	3	6	12
Moved into Area					14	15	25	
Number of SEN Officers	4	4	4	4	4	4	4	
Number of EPs	1.4	1.4	1.4	1.4	1.4	1.4	1.4	

- 3.2. The table also shows how requests for statutory assessments have risen. It is expected that requests will have increased more than 3-fold from a baseline of 70 to a projection of 221 this academic year. A great deal of staff capacity goes into considering requests and suggesting alternative pathways to support so this is an important variable to factor in as well as statutory assessments actually completed.
- 3.3 In addition to the increase in statutory assessments there has been an increase in tribunals from none to 6. When tribunals go to full hearing the amount of time needed is considerable. Most SEND Teams and EP teams unfortunately now have to reserve an allocation of time just for tribunals. Though Hartlepool's tribunal rates are rising they are nevertheless currently very low compared to national figures. This is mainly due to the person-centred way that the SEND team and Educational Psychology Team have always worked with families. This is an example of best practice that supports good relationships with families and promotes the best possible outcomes for children and young people. It is an invest to save model of working that keeps costly tribunals to a minimum.
- 3.4 The volume of EHCPs being reviewed on an annual basis and six monthly for the under 5's has almost doubled from 13/14 to 20/21. This inevitably results in an increasing workload for SEND Officers in relation to reviews. On an annual basis all plans are issued as draft and then again as final documents therefore the impact of doubling in numbers of EHCP means the impact on capacity has been significant.
- 3.5 During the period 2014 – 2021, despite the increase in statutory work described above, no permanent additional resource has been made available to the SEND Team or Educational Psychology Team to fulfill these statutory duties.

4. Current Capacity Within the System

4.1 Educational Psychology Team – Current Capacity

The Educational Psychology Team is funded from a range of sources including service level agreements, the High Needs Block and grants as well as the Local Authority base budget. Each funding stream covers a specific set of tasks for the team.

After strategic and operational management has been factored in, the funding covers 1.4 FTE main grade Educational Psychologists to cover statutory functions.

The team prioritise new statutory assessments in a bid to meet the 14 week statutory deadline for psychological advice. It is important not to compromise on quality and to ensure robust reports that will stand up if required to be considered at tribunals. Any delay in the Educational Psychology 14 week deadline has an inevitable impact upon the SEND Team 20 week statutory deadline to completion.

Prioritising statutory assessments has an impact on other elements of the work such as an inability to provide updated assessments at key points of transition or attend Annual Reviews.

4.2 SEND TEAM – Current Capacity

Within the SEND Team there are four full time permanent SEN Officer posts, one fixed term post that comes to an end in February 2023, one support officer and a Head of Service. The team prioritise new statutory assessments in a bid to meet the 20 week statutory deadline to completion. This has the inevitable impact of falling short on other elements of the work such as timely annual reviews. Lack of administrative resource also results in delayed timescales and means that SEND Officers are completing tasks that could be fulfilled by admin staff.

5. Resource Required

5.1 Educational Psychology Team – Resource Required

Calculations in the table below show that 3.4FTE Educational Psychologists are required to meet the current statutory demand. This would mean additional funding for two extra Educational Psychologists.

Number of EP required for Statutory & Core Duty				
Core Task	Number	Sessions (3 hrs)	Sessions Required	FTE Required
Statutory Assessments	132	5	660	1.8
Transition Reviews	60	5	300	0.8
Tribunals	6	10	60	0.2
Re-assess / New to borough	20	5	100	0.3
Panels (EHC / Placement)	90	1	90	0.3
			1,210	3.4

5.2 SEND Team – Resource Required

Calculations in the table below show that 6.6 FTE SEND Officers are required to meet the current statutory demand. This would mean additional funding for an extra 2.6 FTE SEND Officers and 1.0FTE Admin Assistant.

Number of SEND Officers required for Statutory & Core Duty				
Core Task	Number	Sessions (3 hrs)	Sessions Required	FTE Required
Statutory Assessments	132	5	660	1.8
Transition Reviews	400	3	1,200	3.3
Annual Reviews	350	1	350	1
Tribunals	6	10	60	0.2
Re-assess / New to borough	20	5	100	0.3
Total for SEND Officers				6.6
Total for Admin	720	1	720	2

6. Recommendations

6.1 Schools Forum are asked to:

- consider the rise in capacity in relation to statutory functions;
- approve the contents of this report to be scoped within the HNB Review to seek solutions for required additional resource.