

## SEN POLICY OPTIONS STEERING GROUP

### POLICY PAPER 1:

#### INDEPENDENCE OR INTERDEPENDENCE?

Responsibilities for SEN in the Unitary  
and County Authorities

AN OVERVIEW OF LOCAL  
GOVERNMENT REORGANISATION



A NASEN PUBLICATION

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## Contents

	Page
<b>1. Introduction – SEN Policy Options Steering Group</b>	<b>4</b>
<b>2. Overview of Local Government Reorganisation</b> Roy Atkinson – Chief Education Officer, Northamptonshire.	<b>7</b>
<b>3. Independence or Interdependence – Responsibility for Special Educational Needs: Everyday Issues</b> Michael Peters – Director of Educational Services, City of York.	<b>16</b>
<b>4. Local Government Reorganisation in West Glamorgan</b> Derek Jones – Head of Service Unit, Manager of Integrated Support Service, West Glamorgan.	<b>21</b>
<b>5. Local Government Reorganisation: the Humberside Context</b> Simon Gardner – Principal Education Officer (SEN), Humberside, Deputy Director of Education elect, Hull.	<b>25</b>
<b>6. The New Unitary Authorities: Inter-Agency Collaboration</b> Philippa Russell – Director, Council for Disabled Children.	<b>31</b>
<b>7. Discussion</b>	<b>43</b>

This paper was edited by Margaret Peter

## **Introduction – SEN Policy Options Steering Group**

### *Background*

This policy paper is the first one in the new second round of seminars and conferences to be organised by the SEN POLICY OPTIONS STEERING GROUP. This group organised the successful ESRC-Cadbury Trust series on policy analysis and policy options for special educational needs in the 1990s. (See the list of these policy papers published by NASEN at the end of this section.) It has representatives from LEA administrators, headteachers, voluntary organisations, professional associations, universities and research. Given the success of the first round of policy seminars and papers, a further round of seminars and conferences in this field has been undertaken. These events are intended to consider current and future policy issues in the field in a pro-active way. They are planned to interest all those concerned with policy matters in special educational needs.

### *Aims and objectives of the Policy Options Group*

1. To identify current and likely future policy problems and the options for solutions in special education provision through to the year 2000;
2. to organise conferences and seminars for policy-makers, professionals, parents, voluntary associations and researchers in the field and publish the proceedings for wider dissemination;
3. to enhance the two-way relationship between policy and service issues and research agendas.

### *Current Steering Group membership*

Mr Clive Danks, Headteacher, Professor Ron Davie, National Association for Special Educational Needs (NASEN) representative; Mr Tony Dessent, Senior Assistant Director, Nottinghamshire LEA; Dr Seamus Hegarty, Director of the National Foundation for Educational Research; Professor Geoff Lindsay, Warwick University; Dr Ingrid Lunt, Senior Lecturer, Institute of Education, London University; Mr Vincent McDonnell, Principal Education Officer, Staffordshire LEA; Mr Chris Marshall, OFSTED; Professor Peter Mittler, Manchester University; Professor Brahm Norwich, Institute of Education, London University; Mrs Margaret Peter; Mrs Philippa Russell, Director of Council for Disabled Children; Professor Klaus Wedell, Institute of Education, London University.

### *Current programme Problems and solutions in developing special educational provision*

The current programme aims to organise four full or half day events on special education policy and provision over the two years 1995/96–1996/97 which are relevant to the context of considerable changes in the education system.

The first event on **March 7, 1996** was a seminar on local government reorganisation: issues about independence and inter-dependence arising from the new unitary and future county authorities. This policy paper records the outcomes of this seminar.

The second seminar, held in February 1997, was about developing policy to meet the challenges associated with emotional and behavioural difficulties. The focus of this and subsequent events is on exploring the nature of the issues and problems and considering options as possible solutions.

If you have any ideas about possible topics or would like to know more about the events, please do contact Brahm Norwich at 25 Woburn Square, London WC1H 0AA or another member of the group.

### **Policy Options Papers from first seminar series published and available from NASEN.**

1. **Bucking the market**  
Peter Housden, Chief Education Officer, Nottinghamshire LEA.
2. **Towards effective schools for all**  
Mel Ainscow, Cambridge University Institute of Education.
3. **Teacher education for special educational needs**  
Professor Peter Mittler, Manchester University.
4. **Resourcing for SEN**  
Jennifer Evans and Ingrid Lunt, Institute of Education, London University.
5. **Special schools and their alternatives**  
Max Hunt, Director of Education, Stockport LEA.
6. **Meeting SEN: options for partnership between health, education and social services**  
Tony Dessent, Senior Assistant Director, Nottinghamshire LEA.
7. **SEN in the 1990s: users' perspectives**  
Micheline Mason, Robina Mallet, Colin Low and Philippa Russell.

# Overview of Local Government Reorganisation

ROY ATKINSON, Chief Education Officer, Northamptonshire

## Introduction

Paradox and ambiguity surround the development of SEN policy, practice and provision from the Education Reform Act to the current death throes of the Local Government Review. It is paradoxical that while, in general, the educational changes and the Local Government Review hold many threats for SEN developments, the Code of Practice (DES, 1994), both in the process of its production and the outcome, has brought positive changes against the tide of local and central government relations.

The ambiguity of government policy is that at one level LEAs are promoted as the champions of pupils with SEN but overall policy changes hinder the development of that role. In the first of the seminars on Policy Options for Special Educational Needs in the 1990s (1993), Peter Housden enumerated some features of the unseasonable climate for SEN which amounted to a crisis. He noted the combined impact of budget cuts, the migration of resources away from special needs and the pressure of the market mechanisms of open enrolment and opting out:

It sees a future in which the public education system fulfils the Government's wish and provides more diversity and specialisation and where the LEA has withered to a shadow of its former self. The landscape is populated by largely autonomous schools of differing statutory character competing for pupils ... Without creating a single new grammar school selection becomes rife as some schools take advantage of historical kudos and/or funding incentives to corner the market in desirable pupils leaving the many to fend for themselves in under-resourced alternatives. In this climate children with special needs are very much at risk with only an enfeebled LEA to assist in charting their course through the market place of public education.

## Education and the Local Government Review

This was the educational scene when the Government commissioned a structural review of local government in 1992. Its preference was for recommendations to set up unitary authorities. These, it was argued, would:

- promote local democracy by increasing the accountability of local authorities to the communities they serve;

- reduce bureaucracy and administrative costs inherent in duplication of central management at county and district level;
- offer the opportunity for improved co-ordination, quality and cost-effectiveness in the delivery of local government services.

Annexe B of the Revised *Policy Guidance to the Local Government Commission for England* (DoE, 1993) was entitled *Local Government Functions: Considerations relevant to structural change*. The education section of the annexe sets out in five paragraphs the minimalist role of the LEA after educational reform.

24 Following the Education Reform Act 1988 the role of local authorities in education is changing fundamentally. Local Management of Schools means that from April 1994 the governing body of each primary and secondary school will manage the school's budget. Local education authorities will continue to decide the overall school budgets, and provide a range of central support and administrative services. The National Curriculum has greatly reduced the need for local curriculum frameworks to be individually determined.

25 All primary and secondary schools have the right to apply to the Secretary of State to opt out of the local authority sector and become grant-maintained. Grant-maintained schools are funded directly by the Government, with the governing body having full responsibility for the school's operation. The number of schools operating as grant-maintained (217 in April 1992) is likely to rise significantly and grant-maintained status should become over time the natural organisational model for schools.

One of the roles for LEAs was listed in paragraph 27:

assessing children for, and making statements of, special educational needs and maintaining schools for children with special educational needs; and another in paragraph 28:

Local authorities will also retain a role in providing a range of support services for pupils with special educational needs.

### Shortcomings of the Review and Guidance

The Local Government Review gave insufficient recognition to the fact that local government is primarily about services; services that are of the highest quality and in the form that local people want and need. Organisational structures and geographical boundaries must enable the services to be provided by an authority, or other organisations, in cost-effective, quality-effective and locally relevant and accountable ways. It was disturbing, therefore, that throughout the process of the Review there was very little reference to the impact of the proposed changes on the delivery of services and in particular on the education service.

The policy guidance to the Commission from the Department of the Environment (DoE, 1993) dealt cursorily with educational issues and the Commission's report of December 1993, *Reviewing Local Government in the English Shires*, said little about education. The notion of the minimalist LEA with responsibilities only for caring for the needy and unwanted was reflected in the somewhat dismissive thinking about education which characterised the guidance. The Review and the debate surrounding the Review failed to recognise that the LEA is well positioned to bring together a wide range of education and training interest groups, whether providers or users, helping to articulate needs, priorities and policy directions. It failed to recognise that, increasingly, leadership is exercised through partnership and networking which spread broad community concerns about, for example, a community safety strategy or inter-agency pre-school provision.

The original policy guidance of 1992 stated that local authorities should be based on natural communities and that the Commission should assess the extent and strength of local people's loyalties and identities. In many areas the Commission found that there was a strong sense of loyalty and identity of governors, parents, teachers and headteachers with their LEA and its locally elected members: a partnership which is like no other aspect of local government service. Education via the school gate, evening class or youth club has always been a "convenient" yet accountable local government service.

The decentralisation of recent years has enhanced this partnership. At its best local management of schools has encouraged the growth of "loose knit, tight fit" approaches with locally accountable members securing and allocating resources to fit local and national policies, yet allowing freedom of management to individual schools. Members bring detailed knowledge of the area, its history, needs and aspirations in the development of local policies and to set national policies in a local context. Many LEAs have

succeeded in organising streamlined cost-effective enabling services which benefit from economies of scale and specialist staff. Many SEN services are of this nature.

The brief originally given by the Department for Education to the Department of the Environment for the latter's policy guidance in 1992 was short and simple. Its burden was that schools in the near future would become grant-maintained leaving a limited range of functions, such as special education and home-to-school transport, with LEAs. The then Department for Education implied that these could be organised independently of the size of LEAs.

Progress towards the majority of schools becoming grant-maintained has not materialised. This was partly recognised in the Commission's progress report of December 1993 mentioned above. Paragraph 45 stated that:

In addition, it is probable that education will continue to require an adequate local authority base for the foreseeable future, especially in respect of those services requiring specialist knowledge, such as catering for children with special needs. The Commission believes that it will be some time before more than one in five LEAs is relieved of its responsibilities for planning and funding the local education service under the arrangements now proposed by the Government.

Nevertheless, the revised guidance to the Commission (in June 1993) still failed to recognise the importance of scale and expertise in the administration of education. The message appeared still to be one concerning joint authorities or even lead authorities.

There is a good deal of evidence that joint authorities have a dismal track record in education. In the 1970s a few joint education committees (JECs) were established to administer polytechnics formed from colleges previously maintained by different LEAs. Even though current expenditure was charged to a national pool and did not therefore exercise unduly the paying home authority, there were major difficulties in reconciling views within the JECs, particularly on capital assets and expenditure.

More recently post-LEA joint arrangements were attempted in a number of smaller scale activities, including orchestral music and educational computing. In 1994 the Royal National Institute for the Deaf and the National Deaf Children's Society reported that there was little co-operation between the inner London Boroughs in the provision of educational services for deaf and hearing impaired pupils. In the same year the County Education Officers' Society argued that there were bound to be major difficulties if

several authorities, each with its own budget, policy priorities and political complexion, were expected to agree on the scope and organisational costs of joint services in support of schools and pupils.

The prospect of arranging provision via a lead authority seems even poorer. Which elected authority is likely to be willing to surrender control of its major service to another? If it does so, is the service to be organised to reflect the best professional advice, will the organising authority in effect have passed a precept on the other or will the second retain its own competence in order to monitor the performance of the organising authority? How would either account to its electorate? If the concept of lead authorities has any plausibility, it must be limited to small items of service.

In 1994 the County Education Officers' Society argued, therefore, that there was no case on either community identity or service grounds for fragmenting the existing LEA structures. Any changes could be justified only if they improved services.

### **The Right Size for Local Authorities**

All this leads to the consideration of the right size of an authority, whether unitary or part of a two-tier structure. Indeed the policy guidance to the Commission in November 1993 stressed that "Unitary authorities covering either a very large area or a very small population would need especially strong justification, because of concerns in the former case about remoteness and in the latter about the effectiveness of service delivery." In 1993 the Commission stated its belief that:

... new unitary authorities would generally need to concentrate on the strategic functions of service specification, resource allocation, purchasing and monitoring and that the size of the authority would be best determined by reference to the following:

- be of a sufficient area to undertake the development function for most services including environmental, social and personal services, housing and education;
- facilitate strategic approaches to regional economic development and infrastructure, transportation co-ordination and environmental issues;
- allow for ease of working with other service providers, though not to the extent necessarily of establishing coterminous boundaries, which is likely to be neither feasible in the short term nor durable in the long term;

- achieve potential economies of scale in the purchasing function, particularly when acting as enabling authorities;
- be able to respond quickly and directly to local people, and to secure effective accountability for local services;
- attract and retain staff with the necessary skills and commitment.

Such considerations led the Commission to recommend that most unitary authorities should have populations in the range of 150,000 to 250,000. The current average size of the proposed unitaries is towards the bottom end of this range: 185,000 in England, 174,000 in Scotland and 132,000 in Wales.

### **The Review's Implications for Special Educational Provision**

The implications of Local Government Review for special educational needs provision may be summarised as follows:

- The specialist structures which support children with special educational needs are not readily divisible in line with the recommendations of the Local Government Commission. Each authority has different arrangements for special schools, units and other provisions. Their nature and location owe as much to history as to the distribution of need. Some schools take in pupils from the entire authority area, others serve only part – no authority is totally self-sufficient in its special schools educational provision. Some children cross existing borders to attend schools in neighbouring authorities and vice versa. Others have needs so severe or complex that they can be met only in one of a few schools in the country and out-county placement provides the best solution. Where authorities have been divided the boundaries are likely to cut across existing arrangements and introduce more cross-border movement of pupils with special needs.
- A large increase in cross-border movement will bring more bureaucracy, greater difficulties in planning changes requiring liaison with neighbouring authorities, possibly even a joint planning mechanism and loss of democratic control. If, for example, parents are unhappy about services in another authority, their elected members will have influence on much less provision than they would in their own authority.

- The resulting division of special schools and provision between new authorities will generally cause an imbalance between supply and demand, either in the total number of places or in the provision for particular types of need. For example, one authority may have no places for pupils with visual impairment or with emotional and behavioural difficulties, but a surplus for children with severe learning difficulties or autistic children.

- Support services may present even more serious problems. The specialisms of particular members of staff, whether teachers or psychologists, are not easily divisible. The likely outcomes are the loss of service to the new authorities or duplication of posts or teams between authorities, or one authority employing staff and the other purchasing the service.

- Special educational needs do not arise evenly throughout a county area. Where urban areas have been separated from rural areas, special needs and the costs of meeting them are unlikely to divide in the same proportion as the child population. One authority may find that it faces costs out of all proportion to the size of its population.

### **Hope for the Future – A New Model?**

The educational reforms over the last 10 years, together with Local Government Review, have presented threats to the healthy development of special educational needs policy and practice. Yet, a recent study of five local authorities' management of special needs by Millward and Skidmore (1995), sponsored by the Joseph Rowntree Foundation, has noted some positive trends and has gone so far as to identify the emergence of a new model of governance in the wake of the 1993 Education Act and the Code of Practice (DfE, 1994). There are four main features of model. Firstly, there is a commitment to developing collaborative approaches for the benefit of local communities and vulnerable children. Secondly, LEAs act as the "moral authority" in arbitrating between competing demands. Thirdly, LEAs seek to integrate special education policy with other aspects of social policy as part of the commitment to social inclusion. Fourthly, LEAs and schools collaborate in developing a range of mechanisms to achieve joint policy development.

This model is emerging in a context of genuine welcome for the Code of Practice which was held up as an example of how the development of

education policy can benefit from close co-operation between local and central government.

The report recommends that the newly created unitary authorities should establish a monitoring policy on the governance of special needs. These new authorities share a common feature: they are relatively small in the resources that they will command. Millward and Skidmore conclude that the experience of similar-sized LEAs visited as part of their research, indicates that it will prove difficult to manage special needs effectively. They conclude:

In many respects they will face a situation not unlike that reported to us by former LEA authorities which on the break up of that organisation faced similar problems and whose consequences are still being experienced today. The new authorities will face a potentially more difficult problem in respect of management of special needs. It is likely that their size will be such that they may not have even the minimum level of personnel that we found in the smallest of the LEAs in this survey to operate the model of governance that we have described.

This is a gloomy conclusion but we must also remember that LEAs respond to a challenge even in difficult circumstances to seek the best for those who have the greatest need. Paradoxically provision for the pupils with statements may present the greatest difficulty. By contrast there may be opportunities for a "new deal" for the larger proportion of youngsters who require support within the mainstream, ordinary schools based on the LEA's closer contact with its community which can enable it to provide appropriate leadership and close inter-agency working. As always, insoluble problems may contain disguised opportunities.

The contributions which follow show the way in which the issues are being analysed and addressed in different parts of England and Wales. They confirm the above analysis; at worst they suggest that for the well-being of SEN provision we would not wish to start from here. At best the analysis is being construed firstly as a challenge, and secondly, but more importantly, an opportunity to harness the energising force of a new vision for the new authority with a chance to approach the issues in a new way. This window of opportunity is open widest for the new authorities which begin in 1998. Those which come into existence sooner may have to have their windows propped open until there is more time and there are more people to reflect.

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## **Independence or Interdependence – Responsibility for Special Educational Needs: Everyday Issues**

**MICHAEL PETERS, Director of Educational Services, City of York**

### **Background**

As a local education authority, York is being formed from the County of North Yorkshire. It is the first of what have become known as "hybrid" arrangements under the Local Government Review: a unitary authority that has been formed from a county that continues to exist, albeit somewhat smaller than before. York was set to become the LEA for the area in April 1996.

The City of York covers an area of 105 square miles. The revenue budget for the Education Committee is just under £53m. There are 62 primary, one nursery, 12 secondary and four special schools. The population of the city is 175,000 and the total school population is 24,000.

Before reorganisation the County of North Yorkshire had five nursery, 392 primary, 59 secondary and 15 special schools. The 1995/96 Education Committee budget for North Yorkshire (including York) was £240m. The pupil population in North Yorkshire since York became a unitary authority is about 82,000.

Special needs provision was unevenly distributed in the County of North Yorkshire. York now has provision in its four special schools that caters for junior/secondary pupils with moderate learning difficulties, primary- and secondary-age pupils with severe, profound and multiple learning difficulties and for pupils with physical and medical disabilities. The operating budget of the four special schools is about £2.5m.

In addition to the four schools there are four units attached to mainstream primary schools. Each unit caters for a specific need: emotional and behavioural difficulties (EBD), language difficulties, specific learning difficulties and hearing impairment.

In March 1995 there were 743 pupils with statements of special educational needs which at that time represented 3.2 per cent of the population as compared to the national average of three per cent.

The key issues in special educational needs provision reflect those of local government reorganisation as a whole. York and the County of North Yorkshire (NYCC) are unique because they are the first of the hybrid authorities and this raises particular questions to do with information, provision, scale, opportunities, parents/pupils and staff. Each of these will be discussed in turn.

### **Information**

When local authorities are reorganised much time and effort are needed to disaggregate information from pupil numbers in special schools to actual files on individual pupils. Although much information was available in York because NYCC had established four local bases for SEN support, it is not a good idea to assume information from a central database will be accurate, up-to-date and organised in a way that takes account of local government boundaries. The pressure to follow the Code of Practice has meant information systems may not be complete. Transport for SEN has been a prime example: the budget information has changed three times to date.

It is important to know where every individual child is and the arrangements for getting the child to and from school. Open enrolment and a variety of residential placements mean that, in building up a budget for special needs, staff have to respond to constant changes as children leave, move, are statemented and de-statemented, so monitoring is necessary. This can create much frustration for staff trying to establish a basis for thinking and decision making.

Elected members of the new LEA will need to be made more aware of SEN. Many may have no previous knowledge or experience of education. Seminars on provision are very helpful, not just for the Education Committee, but for all councillors in widening their understanding of their statutory responsibilities for special needs provision and the budgetary implications of these.

### **Question**

Should the Council provide its own support services in all areas of SEN or should it provide a minimum, delegating resources to schools, buying in or maintaining joint arrangements? Any new LEA will need to decide what its SEN policy on in-house provision for disadvantaged students will be.

### **Provision**

Once a unitary authority has decided the type of authority it will be – accidents of geography and inheritance may expose gaps in special educational provision – it will need to decide how to fill those gaps, by buying in places elsewhere, either in the short or long-term.

Be warned! In inheriting provision through reorganisation, a new authority may find it has to tackle major issues which have been left unresolved.

The relationship between authorities will impact upon the approach to joint arrangements. It may be that the new authorities can agree to mutually

advantageous arrangements. In the short term there will be interdependence on SEN provision at a time when each unitary authority is trying to establish its own distinctiveness. Mutually advantageous arrangements might include specific agreements for inter-authority recruitment and annual reviews, where professionals from one authority might act on behalf of another.

### Questions

Is the authority big enough to provide all services and will there be sufficient in-house demand?

What staff do you need?

Are the specialist staff out there if you do wish to provide your own services?

What will your policy be on integration of SEN pupils?

Have you a view on the allocation of resources to the various levels of SEN?

What level of resource for SEN is available? Is there a shortfall?

### Scale

Budget pressure in special educational needs will be high and there is likely to be some difficulty in maintaining expenditure in the disaggregated budget. So elected members need to know the difficulties that can occur. County authorities have traditionally sought service specific means to serve communities, eg education serves all types of SEN across the county. A smaller authority such as York has the opportunity to have a unified approach to such matters as children's service plans, by working closely with other departments. Services are locally based, as are decisions, giving shorter timelines and a more responsive service. In the same way the team of staff is small and coherent and can focus on the needs of York. Opportunities are greater for bringing more people into decision making – headteachers, governors and other agencies such as health. These benefits have been central to the new unitaries' cases for their status. Staff in York already say this is producing benefits.

### Questions

What benefits can a smaller, new unified authority accrue? These might include stronger partnerships with the local voluntary, business and public sectors.

Are there new ways of working that can be considered – for example, with social services to link 'children in need' assessments for those with special educational needs?

Can these offset the larger experience and skills that county authorities have?

### Opportunities

The opportunity to foster creative and fresh thinking is very important. For the first time people may have the scope to contribute to setting up a new organisation.

Reorganisation gives everyone the chance to question the way the service has operated and to improve ways of working, eg replacing two old IT systems for SEN with one integrated package.

The reorganisation comes just when local management of special schools (LMSS) and the Code of Practice are both ripe for review. The opportunity to launch a full and thorough review of special educational provision and to clarify policies in the new authority is being taken.

### Question

Does the make-up of the new authority encourage fresh initiatives and changes for the better?

### Parents/Pupils

Inevitably, parents are anxious about the future for their children, particularly those placed outside York. As most local staff are continuing in post and will maintain their links with parents and pupils, they can reassure parents. We are, as a new authority, required to write to all parents of children with a statement, or undergoing assessment, to explain the situation. We will be sending additional information with the letter to detail key contacts. Equally, as annual reviews take place, staff are explaining the implications of reorganisation and, where possible, York and NYCC staff are working jointly, especially with schools outside the area. We are emphasising that we want as little disruption to children's education as possible.

### Question

What mechanisms do you have as a unitary authority to contact groups, be they schools, parents or the general public?

## **Staff**

To enable activities and decisions to get started someone needs to be in post as early as possible to structure the work and act as a reference point for a wide range of issues.

Although being in a small authority has advantages for professional staff, teams may dwindle into one-person bands. Recognition of professional isolation and the need to encourage staff to network are important. Some staff will also be taking on new or additional responsibilities, so they will require training and support. In York we are working a structure that is fluid. It was established after the appointment of the director of education in September 1995 and was finalised after the majority group on the council agreed its budget in February 1996.

## **Questions**

Have you an interim and possibly a final structure for staffing which you can work to?

Can you bring in staff quickly, 20 maybe temporarily?

## **Local Government Reorganisation in West Glamorgan**

**DEREK JONES, Head of Service Unit, Manager of  
Integrated Support Service, West Glamorgan**

### **Background**

At present, Wales is divided into county and borough councils which were formed in April 1974. From 1 April 1996, these councils will disappear and be replaced by 22 new unitary authorities. These new authorities range in size from one with a school population of 10,000 to the largest with a school population of 48,496. The present County of West Glamorgan will disappear on 31 March 1996, and be replaced by two new unitary authorities: the City and County of Swansea and Neath/Port Talbot County Borough.

There was no Local Boundary Commission in Wales to consider the respective merits of local government reorganisation and there was much disagreement and debate about the relative sizes of the new unitary authorities.

### **Present Situation**

The County of West Glamorgan is in South Wales. It comprises one city, Swansea, two major towns, Neath and Port Talbot, and a number of smaller villages. It is a relatively compact county which stretches approximately 30 miles from east to west. The total school population is just over 59,500 with around 35,000 in the primary sector and 24,500 in the secondary sector. A large proportion, in excess of 95 per cent, of three-year-olds have access to part-time nursery schools/classes. The majority of pupils transfer at 16 to tertiary colleges although in some parts of West Glamorgan 11-18 schools still remain.

It presently delegates over 90 per cent of its aggregated school budget to schools. In order to achieve this figure, the Authority has restructured its central services in the last three years so that schools have more say in what services are provided and the level of service available.

Until recently, resources for non-statemented pupils were delegated to schools using a free school meals indicator. More recently, the LEA has introduced a special needs audit to allocate resources for these pupils. The LEA also has a relatively large proportion of pupils who have been formally assessed and have a statement. In September 1994, 5.1 per cent of the school population was statemented. An attempt has been made to reduce this percentage by using the SEN audit as an alternative basis for providing targeted resources. In September 1995, the figure had fallen to 4.4 per cent.

The present authority is also committed to integrating pupils into their neighbourhood school wherever possible. In practice, this means that only 0.35 per cent of pupils are in special schools and only a further 0.55 per cent are in specialist teaching units attached to mainstream schools.

### **The Future Situation**

After 1 April 1996, the two new unitary authorities will begin to operate. The County of Swansea will have a total school population of 36,912 (primary 21,644, secondary 15,268), while the Neath /Port Talbot County Borough will have a total school population of 22,458 (primary 13,334, secondary 9,124).

Both of the new authorities have had to make budget reductions and increase council tax in order to meet spending targets. In real terms, the council tax in the City and County of Swansea has increased by approximately four per cent and the council tax in the Neath/Port Talbot County Borough has been increased by approximately 25 per cent. In preparing for the start of the new authorities, officers and others have debated at length about which elements of the present authority's services should be divided and which should operate as joint arrangements. The eventual outcome will be that some of the services will split while others will continue to operate, at least initially, in a joint manner.

### **The Options Considered**

Many options have been debated. The three major ones, discussed below, are: 1. free-standing services; 2. whole service, joint; and 3. part service, joint.

#### **Free-Standing Services**

Each LEA establishes its own service which is free-standing. This is undoubtedly the easiest model to establish and has considerable advantages. Firstly, the service is answerable to the LEA and its members. Secondly, the service can reflect LEA policy and is accountable directly to the LEA. It does, however, have some disadvantages and questions need to be asked.

1. Will the service be large enough to have sufficient staff expertise?
2. Will there be difficulties in recruiting and retaining specialist staff?
3. Will there be sufficient opportunities for career development?
4. In the event of staff absence, can the LEA discharge its statutory duties?
5. Will an injection of capital money be needed to set up the service?

In some areas, the two new authorities have decided to follow this route, eg in the educational psychology service.

#### **Whole Service, Joint**

The LEA agrees to pay a proportion of costs in relation to its percentage population. Initially, this is also a relatively easy model to take forward as the existing service continues in its present form and a lot of the disadvantages outlined above are overcome. However, it does have some major disadvantages.

1. Will the elected members/LEA officers feel that they are in control of the situation?
2. Who will take the lead/host responsibility and who is the employing authority?
3. How is agreement reached about the operation of the service?

In several areas, the authority has agreed to use this approach, eg for English as a Second Language Service (Section 11 funded).

#### **Part Service, Joint**

This is potentially the most complex area. The services are largely divided, but staff recognise that each may have some expertise that may be required by the other. This exchange of expertise may be:

1. based on a trading arrangement with one LEA purchasing specified time from another;
2. an agreement to exchange staff for specified time at no cost;
3. the purchase of a number of planned places in a special school, specialist teaching facility or pupil referral unit.

Where this model is established, it should allow for LEAs to have control over staff, agree their own policies and have no misunderstanding about accountability. It also maintains specialisms, allows for career development and assists in recruitment and retention. It does, however, have the potential of becoming administratively bureaucratic.

### **Conclusion**

Whatever the outcome of local government reorganisation and the formation of new unitary authorities, the resulting support service must:

1. be capable of carrying out the wide range of tasks asked of it;
2. employ and retain staff with relevant skills and knowledge in order to provide specialised services;
3. have a clear understanding of the duties it is being asked to carry out.

In the longer term, the size of the support service will need to reflect the demands made on it. The needs of children must be paramount.

## Local Government Reorganisation: the Humberside Context

**SIMON GARDNER, Deputy Director of Education elect, Hull**

### Introduction

Humberside is a large county with a population of 895,000. For administrative purposes it has been divided into four areas: East Riding, Hull, Grimsby and Scunthorpe.

The East Riding has a population of 302,000. It is predominantly rural with a low population density. The headquarters for the county are based in there, in Beverley. In contrast, Hull has a high population with 267,000 people living within the city boundaries. The city is remarkable for having very few houses in the top community charge category.

The Scunthorpe and Grimsby areas are smaller. Scunthorpe has a population of 152,000 which includes many ethnic groups, and is a mixture of rural communities and developing industry. Grimsby, which has a population of 162,000 inhabitants, contains some very deprived inner-city areas and is bordered by farmland to the south-west and north.

The varied nature of the county has been both its strength and weakest point. The deprived inner-city areas contrast sharply with the rural areas. Developments have been undertaken county-wide, particularly for special educational provision. Many of these would not have been possible for small unitary authorities working independently.

### County Statistics

Humberside's education budget for 1995-96 amounted to £387 m. It has circa 142,000 pupils of whom 83,200 are in primary schools, 57,250 in the secondary phase and 1,300 in special schools.

Humberside has 15 schools for pupils with special educational needs, distributed over the four areas. Hull has two area special schools, a third area school for autism and medical needs, a school for pupils with severe learning difficulties and a school for pupils with physical difficulties serving the whole county. The East Riding has three schools for children with severe learning difficulties. (One has residential places for children from the North Bank district, another has residential places for the county, a challenging behaviour unit and provision for hearing impairment, and a third school takes day pupils only.) The East Riding also has two residential schools for pupils with emotional and behavioural difficulties, serving the county as a whole.

Scunthorpe and Grimsby have fewer special schools, reflecting their smaller size. In Scunthorpe there is a school for severe learning difficulties and just two area special schools, in Goole and Scunthorpe. Grimsby has a school for severe learning difficulties and one area special school (with new provision for autistic pupils from the South Bank district).

In addition three out of these four areas have pupil referral units and the fourth, East Riding, uses units in Hull. In the North Bank and South Bank districts there are services for learning and behavioural support and several mainstream schools round the county have specialist provision for pupils with hearing and visual impairment.

County-wide services are provided for visual and hearing impairment, physical disabilities and educational psychology. The administrative staff consist of the principal education officer, the county educational psychologist and four named officers (one per area). In the SEN advisory service there is a senior adviser for SEN and four SEN advisers, all based in Beverley.

### The Future Pattern

After local government is reorganised on 1 April, special school provision in Hull and the newly named North-East Lincolnshire (formerly Grimsby) will be unchanged. However, North Lincolnshire (formerly Scunthorpe) will lose one area special school to the East Riding because Goole has been transferred from the one to the other through boundary changes. Goole was the last part of Humberside to be fitted with the new unitary authority pattern. There was some delay in deciding into which new authority it should be absorbed and a referendum was held among Goole dwellers.

A new total communication unit opened September 1995 in Hull and if it is to be cost effective the new unitaries will have to use it. Closure would mean children would again have to travel to Doncaster for specialist provision.

Hull retains the headquarters for the visually impaired and physically disabled services which it will offer to the other three unitary authorities on a recoupment basis but, like North and North-East Lincolnshire unitary authorities, it will have no residential schools or special school provision for pupils with emotional and behavioural difficulties. All the residential and specialist EBD provision will be concentrated in the East Riding.

### The Run-up to Reorganisation: Tasks, Obstacles and Time

In the final stages of labour before the birth of the four unitary authorities in April, my own responsibilities are two-fold: as principal education officer (SEN) for Humberside to keep the county on track until 31 March,

and as deputy director designated for the new Hull authority to prepare for its future. In Humberside the four priorities are to:

1. keep present services going until 31 March but taking account of new priorities;
2. disaggregate Humberside's computerised database for special educational provision so that each new unitary authority has its own records;
3. divide the 4,000 files among these four authorities (without losing a single one) and arrange their eleventh hour removal from Beverley (files going to Hull will have to be transferred and set up over the weekend between 6pm on Friday 29 March and daybreak on 1 April);
4. train staff in the unitaries, eg statement writers.

At the same time the priorities for the new authority in Hull are to:

- draft Hull's LMS scheme and revise the SEN policy statement, mindful that most elected members have no committee experience of education for over 20 years and need to understand why developments proposed in run-up to unitary status cannot be delivered;
- work corporately with other departments of the new Hull Council which are taking significant cuts to protect education;
- set up a new SEN section in Hull when all staff remain employed by Humberside for 100 per cent of their time (so far the new Hull LEA has one room – the Director's office in the Guildhall – and no secretarial support; the director designate and deputy director are using existing secretarial support in Beverley);
- appoint staff and ensure the advisory team can cover major areas of the National Curriculum (no SEN adviser has yet been appointed, three other posts remain unfilled);
- keep staff informed of progress, consult with the trade unions and respond to parents made anxious about budget cuts reported in the press. Produce policies on awards, transport, complaints, admissions, etc;

- liaise with the other three unitary authorities about decisions which will impact upon them such as SEN Tribunal cases and out-county placements.

### **Hull's Strategy for SEN Provision**

These priorities for Hull reflect the strategy for securing special education services which meet the needs of its population. The strategy has the following elements:

- a programme of in-house training for the SEN section to support colleagues taking on new responsibilities – unitary status means all must learn new skills and acquire broader expertise;
- an integrated SEN service with three named officers responsible for whole-school issues including special needs across the city;
- a departmental strategy to raise achievement, with teams of advisers, officers and support services working closely within the policy framework of maintaining pupils with SEN in their local schools;
- emphasis on working with clusters of schools and sharing good practice to promote developments at Stages 1 to 3 of the Code of Practice;
- continuation of work with East Riding Health Authority in such areas as speech therapy, occupational therapy and training for support assistants;
- development of joint policy and strategies with social services for emotional and behavioural difficulties, transport and attainment of children looked after by the local authority;
- development of ways to monitor services provided for schools and pupils;
- the setting up of two sub-committees, the Schools Sub-Committee (including all SEN issues) and the Community Education Services Sub-Committee which Hull Education Committee has resolved to introduce;
- contingency plans in case joint arrangements break down.

### **Progress and Issues**

All four unitaries recognise that they cannot be self-sufficient in services for hearing impairment, visual handicap and physical disability. We are close to achieving a joint arrangement for 1996/97 for these services. However, a key issue will be managing the personnel implications of budget reductions. The personnel issue is far more complex than the organisation of services on a county basis across four unitary authorities. Many colleagues are on a statutory transfer to Hull because they spend most of their time working in the city. However, some work in two other unitary authorities. Any proposal relating to a cut in hours for someone working in North Lincolnshire, but on a statutory transfer to Hull, has a direct impact on Hull as the employer.

As a result of the statutory transfer orders, colleagues have not been allocated equally to the unitary authorities. For example, Hull is the major employer of the hearing impaired service but the technicians working in the service have been allocated to other authorities. Should the joint arrangement break down, Hull will have no headquarters for the service (this will have to be disaggregated) and no technicians.

The East Riding has a wide range of provision, some of which it uses little. Currently there is a general desire to co-operate *per se* and because provision is not evenly spread, but we are well aware that in general joint arrangements do not work. There is no doubt that, for special educational needs, the economy of scale and ability to provide in-house is lost. Similar arguments about the disadvantages for the police and fire service were heeded and these will continue to be organised on a county basis (as will the TEC).

With regard to admissions to special schools it is not envisaged at present that there will be any joint arrangements. Admissions will be sought school by school.

### **Conclusion**

Humberside fought a long campaign against its abolition. Nearly all the officers appointed to the unitaries are from Humberside and there is a general agreement among them that, with regard to some special educational needs provision, the unitaries cannot be self-sufficient and cost effective.

There has been no evidence to suggest that children with special educational needs will do better or will receive the same level of support from small unitaries working independently. There is no economy of scale, particularly in services for hearing and visual impairment and physical disabilities, as officers made clear during the consultation period.

The abolition of Humberside is neither economically nor educationally sound in relation to services for low-incidence special educational needs. The arguments for joint arrangements are very compelling.

Every indication to date shows that each unitary authority will have to make budget reductions. Hull is committed to protecting front line services to children with special educational needs but the aspirations of the new unitaries cannot be met in the near future. All the unitaries have lobbied central government, seeking financial support to reduce the burden of budget cuts. They have not been successful.

It is too soon to assess the impact of the loss of expertise and in-depth knowledge available to a large county.

## **The New Unitary Authorities: Inter-Agency Collaboration**

**PHILIPPA RUSSELL, Director, Council for Disabled Children**

### **Introduction**

Local government reorganisation has created major challenges for health, education and social services. Paul Sutton (1995), in a report produced jointly by the National Children's Bureau and the Department of Health, comments that moving forward in children's services planning – a prerequisite of effective management of children's services under local government reorganisation – will require recognition of:

a multitude of interwoven financial, political and judicial issues ... with the obvious issue of planning horizons and the constraints of budgetary controls and purchasing requirements at a time of major changes in all children's services.

Bilton and Jones (1994) also emphasise the need to see local government as:

... something more than administrative change and "cost effectiveness". We need a value-led approach, which leads to a comprehensive vision of services for children. Organisational change has been a major characteristic of children's services over the past decade. The current changes should be acknowledged to be both opportunities and challenges in terms of integration and principled planning.

The challenge of local government reorganisation for education services is two-fold. The 1993 Act and the Code of Practice (DfE, 1994) provided a clear framework for assessment, provision and review. The same legislation emphasised the importance of integrating service responses to special educational needs and the central role of parents (and, challengingly, of children) within local arrangements. Local government reorganisation similarly aspires to integrate and rationalise; to build local policy and practice in the context of local democracy and community development. But many children with special educational needs have specialist and low-incidence special needs. Resentments between old and new authorities may inhibit exchange of data and impede planning priorities. As Councillor Jean Spray (Brighton and Hove Shadow Authority) noted at a National Children's Bureau conference:



The challenge of building a new authority has reawakened the debate about local government – good! ... There is room for innovation and experiment. Our guiding principles are those of community leadership and governance, of caring for the local environment, accessibility, integration, quality, equality, investing in our people and a well-managed authority. Our commitment to these principles is very high but I sometimes feel as if I have jumped on a moving bus!

Local government reorganisation can indeed be seen as a “moving bus”. But it does create new opportunities for local discussion about optimum arrangements for meeting SEN. It also offers a unique opportunity for re-engaging with parents, the community and the wider range of services which underpin special educational provision. In practice, children’s services plans may offer the “doorway” to a better integrated future.

### **Similarities in Education, Health and Social Services**

Education, especially services for children with special educational needs, will always be a strategic service. In the light of recent structural changes in health, education and social services, education may be seen as having similar obligations to those of health and social services. Like them it is now being required to:

- identify and analyse the needs of its local population;
- plan over short- and long-term issues;
- allocate functions and resources and regularly monitor and review outcomes;
- provide services either directly or by commissioning or purchasing services and ensuring that the provider units meet the service specification. In a more market-place approach to providing human services, the LEA, like the social services department, has become increasingly an enabler and a broker but within a strategic framework for the provision of education services as a whole.

The education service also seems to share certain deficiencies with health and social services. The problems identified in the implementation of the 1981 Education Act have been widely replicated across all three statutory services, as several reports by the Audit Commission have noted, in particular *Seen but not heard* (1994) and *Getting in on the Act* (1992).

These deficiencies can be summarised as:

- lack of clear criteria for different levels of assessment;
- parental dissatisfaction at poor co-ordination, limited choice and lack of real involvement;
- unclear procedures for allocation of resources;
- poor review processes – little “learning from experience”;
- general commitment to integration and “children first” but major problems in delivering specialist services within mainstream settings;
- inadequate strategic planning and limited evidence of collaboration between agencies or of joint commissioning and integrated assessment systems;
- preoccupation with resources but little consensus about how existing resources could be used better, how new resources could be best deployed and how special provision should be used and funded in the future.

### **Pressures on Services to Work Together**

The past decade has seen a plethora of exhortations to all three statutory services to work together. New duties and exhortations include those appearing in the following legislation and related guidance:

**Children Act 1989:** In Section 19, LEAs and social services have a duty to review triennially their day care services for under-eights (which include pre-school educational provision) and Schedule 2 sets a joint duty to establish a joint register to be used for planning; Section 27 emphasises the duty as well as the desirability of agencies working together.

**Education Act 1993:** LEAs have a duty to review special educational provision (including their liaison arrangements with other agencies).

**Child Health in the Community: A Guide to Good Practice (1996):** Department of Health guidance urges health authorities to undertake collaborative reviews of the child health services for which they contract.

**Working Together (1991):** The Department of Health requires area child protection committees to prepare an annual report which includes an element of forward planning.

**National Health Service and Community Care Act 1990:** Local and health authorities have a duty to prepare a Community Care Plan annually. **Department of Health (1996) Regulations:** Establish mandatory children's service plans.

The multiplicity of planning requirements could be viewed as being diametrically opposed to the kind of working partnerships they are supposed to generate. New unitary authorities may see them as both bureaucratic and pedantic if they misunderstand their purpose or feel that there is no time for collaboration at a time of major change in the system.

#### **How Should the New Authorities Define "Need"?**

Planning services at a time of change (and falling resources in many authorities) will force LEAs to face the challenge of defining "need". This will confront all three services although the answers may differ according to the statutory duties and perceptions of need of varying professional groups.

The following questions were identified at a Council for Disabled Children seminar in 1995. They reflect the challenges lying behind any genuine attempt at multi-agency co-operation.

How do we define "need"?

How do we balance "disadvantage" and "disability", and special health care and social care needs?

How do we best identify need (relating to SEN/disability) in the local population?

Who best defines need in the context of special educational needs/disability or children "in need"?

What do we mean by co-operation with other agencies?

In discussing how "need" should be defined the seminar considered that local authorities would need to meet three challenges. Firstly they would need to shift from the concept of "pure" need (ie the 1981 Education Act and the duty of LEAs to meet identified need) to a more relative definition of need in the context of the local population.

Secondly they would have to identify local needs with local consumers who should be consulted about priorities for short-term and long-term goals.

Thirdly, local authorities would need to create new structures for communication, collaboration and bilateral planning.

#### **Additional Questions Which Unitaries Should Ask**

As the new unitary authorities begin to put their plans for special educational provision into action they will need to ask further questions.

#### **What is the Optimum Size for an Education Service?**

We do not know, but we need to set precise goals and tasks for such a service to ensure that *small* authorities (a) can meet their obligations and understand their strategic role; and (b) are sufficiently experienced and committed to purchase the expertise they need to run a service for children with SEN.

Local authorities and schools may not understand the complexity and the cost of some services for pupils with special educational needs which may be prohibitively expensive for small units to provide on demand (Hollis *et al.*, 1992). The authors, from Coopers and Lybrand, were not confident that schools would wish to form clusters to purchase services jointly or that they would have sufficient expertise to purchase wisely.

#### **As Local Authorities Move Towards a More Devolved Form of Purchasing and Providing, What Are the Opportunities and Risks That May Arise?**

A recent review of the contract culture in the United States (1995) offers the following lessons for the United Kingdom and suggests some possible answers to the question.

1. The local authority should not underestimate its role in setting a strategic framework for services for children with disabilities.
2. A value-based strategic plan is needed, based on clear data on the local population's needs, an understanding of all available resources and consultation with users.
3. Authorities must recognise the dangers of market forces – providers may overestimate their capacity to cope with children with the greatest and most problematic need.
4. Local authorities *must* set clear specifications and monitor the work of providers.

5. Specialist support services serving small populations of children with complex needs should be sustained – clustering, joint commissioning and purchasing arrangements on an “insurance” basis with neighbouring authorities need to be considered.

6. The importance of investing in transitional arrangements must be acknowledged.

The USA experience suggests limited initial evidence of co-operation because of fear of competition but notes emerging signs of a “Dunkirk” spirit of new clusters of small providers often joined together less from shared values than from what one provider called a “survival instinct”. The USA study concluded that the strategic role of the local authority or its equivalent was crucial and that “small” was not necessarily beautiful. However, it also suggested that authorities *can* change their ways of working, encouraged by recent legislation which moves towards *joint* responsibilities and co-operation. While we need to be aware of the fragmentation and policy drift which has characterised the American experience, this is not unavoidable.

#### *Which of the Children's Services Takes Financial and Moral Responsibility for Which Function?*

Bilton and Jones (1994), looking at the future shape of children's services, noted the challenge of allocating financial and moral responsibility for children's services. They observed that neither historical funding responsibilities nor “needs”-based budgeting provide an effective answer to the question of who pays for what in complex areas such as residential education, speech therapy or provision generally for children with complex needs. They commented:

An absence of clarity about the respective functions and responsibilities of different agencies is not only a poor basis for the construction of seamless services, it is also disempowering to service users, who cannot exercise rights if they cannot find out which agency has the relevant obligation.

#### **Critical areas to Tackle**

Bilton and Jones also noted that the education services would be able to contribute to corporate development only if some “critical areas” in multi-agency working were fully addressed. These “critical areas” included:

- determining *who* should act as the lead agency for children;
- acknowledging the challenge of different time-scales for assessment in different agencies;

- the lack of funding for *shared* training;
- the pressure of *statutory* duties on different agencies (for example child protection procedures on social services departments; statutory assessment for LEAs; provision of acute medical care for health services; and the lack of resources for preventive or inter-agency work;
- determining useful and relevant outcome measures for audit for all three statutory services;
- gaps between purchasers and providers in mutual understanding and corporate planning;
- insufficient attention to transition arrangements;

- recognition of the challenge of “corporateness” when elected members may seem to have new and different priorities and services are changing.

#### **Further Evidence on Inter-Service Collaboration**

In 1995, the Health Advisory Service published a thematic review of child and adolescent mental health services in England and Wales entitled *Together We Stand*. This review, intended to provide a picture of all these services provided by the NHS and other agencies (including education), is very relevant to the current debate about collaboration between health, education and social services in the context of local government review. This review (like others) found that there was:

- poor dialogue between health, social services and education commissioners;
- an absence of cross-sectoral strategic thinking;
- poorly integrated assessment systems;
- an absence of real collaboration in the use of specialist services;

- a lack of relevant data for planning services, with much crisis intervention and poor monitoring of existing provision;
- poor contractual arrangements with the current providers;
- a misunderstanding about the different tiers of provision within each service.

The Health Advisory Service concluded that the effective provision of mental health services for children and young people would depend firstly on joint commissioning across agencies; secondly the ownership and sharing of strategy and an agenda for action by the elected members and the chief executive officers within each agency; thirdly, collaboration at every level of service management and delivery within and across agencies, with practitioners from a wide variety of disciplines working closely together.

The Health Advisory Service also concluded that strategic approaches to services were impossible unless there were tiers of provision with their own access arrangements and expectations about functions and roles. It replicated the four tiers of the Code of Practice and defined them as:

- **Tier One:** primary or direct contact services;
- **Tier Two:** interventions offered by individual specialists or child and mental health teams or education services (supporting practitioners working with the child as much as working directly with the child himself);
- **Tier Three:** interventions offered by teams of staff from specialist services;
- **Tier Four:** very specialist interventions and care.

#### **A Possible Way Forward: Children's Services Plans?**

Children's services plans might, in theory at least, subsume the local arrangements for these multi-agency requirements summarised above. If they are seen as the basis for strategic planning in children's services, if they summarise commissioning judgements, decisions and related procedures in all three statutory services, they will offer a realistic way forward and the process of producing them will be as significant as the product.

In looking at the development of children's services plans, the Department of Health (1995) came to similar conclusions to those of the Health Advisory Service in relation to mental services for children and young people. The Department recognised that co-operation was part of a hierarchy of collaborative working relationships which started with **communication** and progressed through **consultation** towards:

- **collaboration:** with reciprocal agreement about the extent and limitations of each other's services but with each making its independent provision;
- **bi-lateral planning:** the formulation of individual agency plans is shared and discussed, at least where there are potential service overlaps or where one agency may expect support from another;
- **joint planning:** planning is conducted as a single joint activity;
- **joint commissioning:** joint planning results in the joint provision of a service either by the agencies concerned or by others.

Sutton (1995) comments that moving forward in children's services planning is likely to be a prerequisite of good management of children's services under local government reorganisation. It will, as mentioned earlier, require recognition of "a multitude of interwoven financial, political and judicial issues" which need to be taken into account when the planning is being done. He emphasises that in children's services plans the process may be more important than the product, as clear working relationships are established between agencies which did not necessarily collaborate previously and where goals, visions and priorities were not fully shared.

Sutton also reminds us that the new unitaries will have considerable discretion as to how they co-ordinate their children's services. The new unitaries are not, for example, required by law to establish a separate education committee (although social services are considering creating new unified children's departments). Others are splitting children's functions, with responsibility for under-eights going to education, over-eights remaining with social services. In both cases provision of education and special services will be ineffective without collaborative planning.

In developing children's service plans the new unitary authorities will need to:

- carry out a mapping exercise to review the nature and current level of services which are available within the area and to identify which specialist services may have to be purchased or jointly commissioned outside the local authority;
- take account of any existing priorities within the local population and consult local consumer groups about key areas for work and development;
- set short, medium and long-term objectives, with time-scales for achievement;
- accept the planning challenge that some children will have low-incidence and challenging disabilities or special needs and that joint commissioning may be the only way forward;
- ensure that children with complex special needs still have access to “universal children’s services” and that any specialist services used reflect the relevant agency’s own standards of good practice.

#### **Key Education Issues: the Overall Context**

These five tasks involved in children’s service plans are closely associated with the overall challenges facing policy makers of special educational provision.

The new unitary authorities are likely to have to come to grips with the following issues:

- managing the costs of low-incidence disabilities, eg visual impairment, with smaller budgets;
- inadequate data for effective strategic planning, eg restricted access to data and hostility sometimes between the old and new authorities;
- sustaining specialist support services for small numbers of children with complex needs and providing data to assist LEA planning and strategic thinking;
- lack of co-terminosity with other agencies (with increasing numbers of children requiring help from child health, adolescent mental health and social services to meet their complex needs);

- guaranteeing levels of service to children and young people with statements of special needs who find themselves in new authority areas, and also protecting transitional arrangements;
- ensuring that the Code of Practice criteria for statutory assessment and arrangements for the school-based stages of assessment are understood and consistently applied across new boundaries;
- the cost of transitional arrangements arising from the local government – both the turbulence in the system and the actual cost of creating new structures to identify and meet special educational needs;
- the importance of joint working and ensuring LEAs, health and social services collaborate in children’s services plans when the advent of more and smaller authorities complicates the strategic planning needed for collaboration;
- the need to support a lively voluntary sector when smaller authorities are unlikely to have the resources to provide such funding;
- the importance of listening to and involving parents and of introducing the Code of Practice’s “named person” which may challenge local authorities unused to partnership with parents and voluntary organisations;
- ensuring that schools receive help from LEA support and advisory services in developing policy and practice for special needs – but support and advice may be largely replaced by private sector services;
- LEAs will lose an important source of information and advisory services and monitoring to ensure that services are running well if their support and advisory services are dispersed just when the new unitary authorities need this source to inform their discussion about integrated children’s provision;
- forming LEA moderating groups to monitor LEA policies on local management of schools: using the criteria for statutory assessment, etc, and including representatives from the health or social services when it may be beyond a small unitary authority’s ability to create such collaborative arrangements and exercise wise leadership.

## Conclusion

Because most of the new unitary authorities will be small, specialist provision will be spread across boundaries. Some authorities will import considerable numbers of children because of their historical acquisition of expensive "plant" to meet special needs. Others will export right from the start. In monetary terms, the loss of "economies of scale" could be considerable. On a positive side, the new authorities have a special opportunity to create a new and collective approach to unified children's services.

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## Discussion

Discussion was wide-ranging and covered many of the key points raised by the presentations. The following questions were considered in some depth.

1. Did local government reorganisation express the move from sanity to vanity? With the doubts raised about the viability of smaller-scale special educational services, was local civic pride working against well-organised and resourced services?
2. Would schools consider grant maintained status if they do not see consistency in LEAs? Would the transition difficulties lead schools to wonder whether there were continuing benefits in staying part of the LEA?
3. How would joint social and education service planning proceed with the reorganisation? How would children's services plans operate?
4. Who was going to monitor the new arrangements? What would be the consequences for parents and the use of tribunals?
5. Would smaller-size LEAs threaten the protection of resources for children with SEN? Would there be greater visibility of the additional resources allocated to SEN and therefore more questions about SEN having too much?
6. Would the reorganisation be a spur to producing new forms of structures? Will there be moves towards connecting specialisms together?
7. What could be done to ease the pressures identified with reorganisation? How might the wider political context and political changes in the near future affect the special educational aspects of the reorganisation?

The general theme which permeated the papers and the discussion throughout the day was the balance between the positive and negative factors; the tonic associated with the commitment and civic pride in the new LEAs, countered by the hard reality of financial pressures, loss of organisational scale and uneven historical distribution of services within the new authorities.