

Shared Services Joint Committee Wednesday 13th July 2022

Report Title	Safeguarding in Education Services – Variation Notice
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Executive Member	Councillor Scott Edwards, Children, Families, Education & Skills, NNC
Cabinet Member	Councillor Fiona Cole, Children, Families & Education, WNC

Key Decision	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

Contributors/Checkers/Approvers

Approver	Officer Name	Date Officer Approved Report
North MO	Adele Wylie	9 th June 2022
West MO	Catherine Whitehead	9 th June 2022
North S151	Janice Gotts	9 th June 2022
West S151	Martin Henry	9 th June 2022
Other Director/SME	Ann Marie Dodds	9 th June 2022
Other Director/SME	Stuart Lackenby	9 th June 2022

List of Appendices

None

1. Purpose of Report

- 1.1. To seek approval to proceed with the disaggregation of the Safeguarding in Education Service (SIES), which is currently hosted by North Northamptonshire Council (NNC) and provided to West Northamptonshire Council (WNC).

2. Executive Summary

- 2.1. There is a requirement to disaggregate the SIES team, formerly employed by Northamptonshire County Council and now hosted by North Northamptonshire Council (NNC) – the requirement to disaggregate by April 2022 was agreed in the Local Government Reform (LGR) Blueprint. Subsequently the timeline for disaggregation of this service was changed with agreement from the Shared Services Joint Committee (SSJC) in January 2022. The requirement is now to complete disaggregation, in line with the academic year, by September 2022.
- 2.2. SIES currently provides a service to both NNC and West Northamptonshire Council (WNC) through a hosting arrangement and managed by an Inter Authority Agreement (IAA).
- 2.3. The service enables those working with children and young people in educational settings to identify and manage safeguarding issues and ensure they are aware of their roles and responsibilities in relation to child protection and safeguarding children.
- 2.4. The proposed disaggregation date for SIES is 1st September 2022, when employees will either transfer to WNC under the Transfer of Undertakings (Protection of Employment) (TUPE) regulations or will remain in their current roles employed by NNC.
- 2.5. Both authorities want to disaggregate this service, which currently has 5 staff members, to allow them to tailor services to the strategic vision and priorities of the individual authorities.

3. Recommendations

- 3.1. It is recommended that the Shared Services Joint Committee:
 - a) Approve the disaggregation of SIES by 1st September 2022.
 - b) Grant delegated authority to the Monitoring Officers for North and West Northamptonshire Councils to put into place a deed of variation to the Inter Authority Agreement (IAA) for the service to exit the IAA schedule 2C3.
 - c) Approve that both WNC and NNC will act in accordance with service Plans and any Collaborative Working Agreements agreed by both WNC and NNC service leads and approved by Monitoring Officers until such time as a formal Deed of Variation has been completed.

3.2. Reason for Recommendations

- a) The proposed option to disaggregate SIES most closely aligns with the agreed requirement to disaggregate the service by September 2022, as set out in the LGR Blueprint and the Shared Services Joint Committee in January 2022 while continuing the delivery of this service's statutory duties within budget.
- b) This option adopts the LGR Blueprint, whereby a service has been hosted for a period before it can safely and legally disaggregate.
- c) Ensures the Councils and customers receive the most benefit from the delivery of SIES, by enabling the organisations to tailor the service, to the local demographics and address the needs and priorities of the individual authorities.

3.3. Alternative Options Considered - See sections 5.1.2. and 5.1.3. for further detail on alternative options.

- a) Approval of disaggregation of the service with additional temporary staff by 1st September 2022.
- b) SIES is currently being delivered as a hosted service, with NNC providing the service on behalf of WNC. This hosted arrangement could continue for a longer period before disaggregation.

4. Report Background

4.1. The SIES team is comprised of x2 permanent posts with an additional x3 temporary posts (5 FTE).

4.2. SIES meets the councils' statutory obligations by providing specialist advice, guidance, training and support for schools and educational settings including early years (Children's Centres, and private, voluntary, and independent settings); primary and secondary schools; off-site providers; and further education. The service enables those working with children and young people in these settings to identify and manage safeguarding issues and ensure they are aware of their roles and responsibilities in relation to child protection and safeguarding children.

4.3. With the additional temporary posts, SIES is also able to:

- Oversee the Northamptonshire Safeguarding Children Partnership Business Office
- Increase levels of advice, guidance, consultancy, and specialist safeguarding support
- Assume the responsibilities of the Education Inclusion and Partnerships Team

- Publish the Safeguarding in Education newsletter
- Create additional written guidance and policies
- Monitor school's performance on child protection and safeguarding matters
- Act as liaison with Police and schools/colleges
- Run a traded service for educational settings that includes a core training offer, and bespoke training provision
- Provide Safeguarding Review Audits commissioned by schools

4.4. Disaggregated SIES teams will operate independently in the North and West Northamptonshire Authorities and will be required to deliver services as required by the following statutory guidance:

- Section 175 and 157 of the Education Act, 2002 - schools/colleges must 'make arrangements to safeguard and promote the welfare of children'.
- Keeping Children Safe in Education 2021

4.5. An Impact Assessment was completed, detailing options and recommendations around the future service and impact that this would have on customers. The outcomes of which allows each authority, should they desire, the option to take a different preferred approach towards the delivery of the service following disaggregation.

5. Issues and Choices

5.1. The following options have been considered:

- Option 1: Approval of disaggregation of the service by 1st September 2022
- Option 2: Approval of disaggregation of the service with additional temporary staff by 1st September 2022
- Option 3: Continue hosting arrangement with NNC as providing and WNC as receiving Authority

5.1.1. Option 1 (recommended option) – Approval of disaggregation of the service by 1st September 2022.

This option would see SIES disaggregate by 1st September 2022 as per the approved revised Blueprint timeline. By this time the service will be disaggregated into two separate teams, one providing services to WNC and one to NNC.

- This option is recommended as it fulfils the strategic vision to disaggregate these services and form two independent services by the agreed timescales.
- Disaggregation simplifies current processes related to governance and delegated authority for operational decisions.
- Each authority has control over its own service delivery and team structure.

- Each authority has control over its own budget.
- It would allow staff to focus on building relationships within their unitary authority.

5.1.2. Option 2 (not recommended) – Approval of disaggregation of the service with additional temporary staff by 1st September 2022.

This option would see SIES also disaggregate by 1st September 2022 as per the approved revised Blueprint timeline but with additional temporary staff. By this time the service will be disaggregated into two separate teams, one providing services to WNC and one to NNC.

- This option is very similar to option 1 and fulfils the same strategic vision, simplifies governance processes, and allows each authority the autonomy to develop the service to meet local needs.
- However, this approach has implications to the current budget allocation for this service by proposing additional short-term staffing and is therefore not recommended.

5.1.3. Option 3 (not recommended) – Continue hosting arrangement with NNC as providing and WNC as receiving Authority.

This option would see SIES disaggregation delayed until after the agreed timeline as agreed by SSJC in January 2022 and until such time as proposed by the Directors of the service. The service would continue and would remain under a hosted arrangement with NNC as the provider and WNC as the receiver.

- This option is not recommended as it goes against the agreed timescale as set out previously by the Shared Services Joint Committee.
- A further change request document to delay the disaggregation will need to be approved
- There is a risk that the Shared Services Joint Committee will not approve the change request and disaggregation will need to go ahead as scheduled. This could impact the schedule as tasks that could have commenced may be delayed while awaiting the decision
- Accountability and lines of reporting to senior levels of both unitary authorities may be difficult to define.
- This team will continue to have increased workloads from providing services to two organisations which are already starting to operate in different ways.
- An increase in budget will be required to ensure service can continue to deliver the services currently provided.

6. Next Steps

- 6.1. An exit plan would be developed in accordance with the requirements of the Inter Authority Agreement (IAA) for the hosted provision of functions and services between NNC and WNC.

6.2. Staff consultation will be undertaken, and final staffing structures will be proposed by the Executive Director of People (WNC) and the Director Children's Services (NNC) and agreed by both authorities' leadership teams.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1. Resources will be required from the enabler services in both authorities to support the disaggregation and TUPE of staff.
- 7.1.2. Employees will undergo a consultation period where the outcome of employee allocation will be determined, and some employees will transfer across to West Northamptonshire Council under TUPE rules, and against the disaggregation principles agreed with the Trades Unions.
- 7.1.3. The current staff will be split equally according to service need but following disaggregation there may be a need to restructure the service.
- 7.1.4. The allocated budget in 2021/22 was £139,636 with North and West Northamptonshire Councils contributing £64,828 and £74,808 respectively.
- 7.1.5. Additionally, there is an income target of £20k of which £17k was achieved in 2021/2022

7.2. Legal and Governance

- 7.2.1. Changes to the relevant elements of the existing IAA Schedule 2 will need to be made through an agreed Exit Plan.
- 7.2.2. Provisions may be made for Collaborative Working Agreements between the North and the West Northamptonshire Authorities to ensure that service delivery to either authority is not jeopardised by any residual matters that cannot be resolved after the full disaggregation of the service has been completed.
- 7.2.3. Any Data Protection Impact Assessments (DPIAs) and Data sharing Agreements that are required because of disaggregation will be completed as part of the disaggregation process. Information Governance Officers will be engaged with to ensure full compliance with relevant Data Protection legislation.

7.3. Relevant Policies and Plans

- 7.3.1. The proposal will assist delivery of the North Northamptonshire Corporate Plan 2021-2025 "Better, Brighter futures" priority.
- 7.3.2. The proposal will assist delivery of the West Northamptonshire Council Plan 2021-2025 by enabling greater "Improved life chances".

7.4. Risk

- 7.4.1. The split of the structures and staff would need to ensure a balance of skills, knowledge, and experience, if this is not achieved there is a risk of disruption to the service.
- 7.4.2. Key risks have been identified in the Impact Assessment.
- 7.4.3. A full risk log is maintained by the project team and reviewed regularly. Risks will be monitored and escalated as per current project governance routes.

7.5. Consultation

- 7.5.1. Consultation with affected employees, supported by Trade Unions, will be undertaken and the team members will be involved in the process via 1:1s and team meetings, with the opportunity to raise questions and concerns.
- 7.5.2. There is no statutory requirement for public consultation.

7.6. Consideration by Executive Advisory Panel

- 7.6.1. No considerations arising from this report.

7.7. Consideration by Scrutiny

- 7.7.1. No considerations arising from this report.

7.8. Equality Implications

- 7.8.1. At this point in the process, it is not possible to fully assess the actual impact on all protected characteristic groups. An initial Equalities Screening Assessment will be undertaken during the disaggregation process and discussed with the Equalities Officer. The situation will be reviewed during staff consultation and for any equality implications that are identified, appropriate mitigating actions will be taken (where possible).

7.9. Climate Impact

- 7.9.1. There are no implications arising from the proposed recommendation for SIES.

7.10. Community Impact

- 7.10.1. Webpages, customer journeys and referral pathways will be reviewed to establish separate information and processes. Stakeholders will be communicated with to ensure there is clarity over how to access SIES after disaggregation of the team.

7.11. Crime and Disorder Impact

7.11.1. No implications arising from the proposed recommendation for SIES.

8. Background Papers

8.1. [Transformation Task and Finish Group Priority Disaggregation Timeline](#)

8.2. [Lead/Hosted Services - Change Requests - Education Safeguarding](#)