



**An initial response to the Kent CC
restructure of Children Families and
Education (CFE) services and their
impact on education improvement
services and staffing.**

**Association of Professionals in Education and Children's
Trusts**

March 2010

Executive summary

On February 23rd 2010 Kent County Council announced proposals for restructuring CFE services and staffing. In the draft proposals out for consultation:

- 268 posts will be deleted
- 76 posts (Nett) will be transferred in (164 in and 88 out) which mask the extent of potential job losses in certain areas of the service.

The overall published percentage of post reductions in CFE is 7% but the effect on the school improvement teams is considerably more than this. In the secondary sector there will be in excess of 50% reduction in staffing and current job description releases give no indication of other areas where these staff might be redeployed.

This is an initial response by staff at almost every level and across all teams within the school improvement service within Kent. We have a number of deep concerns about the impact of the proposals on local schools which may be summarised as follows:

- the proposals have been developed without any significant consultation with almost all the staff who provide and manage education improvement services in Kent
- no document has been published in which any assessment of the risks the proposals present to current school improvement services is considered
- no evidence has provided as to whether the radically reduced and restructured service is fit for purpose i.e. is able to deliver on the goals as summarised above – to improve outcomes, increase customer satisfaction and prioritise support to the most vulnerable children
- no significant consultation had taken place with local head teachers and other key stakeholders prior to the proposals being published
- no equality impact assessment has been conducted on the impact on staff and education provision, as is required by statute, on the proposals as they were developed
- no information whatsoever is provided on how these proposals meet the cost objectives of a 10% saving or what additional costs might result to Kent CC from the shortcomings identified by staff and summarised in this response

Aspect has made clear our members wish to engage, even at this late stage, in a constructive dialogue to ensure that the achievements of recent years are not lost and that any future structure, staffing and skill mix is capable of meeting the objectives of these proposals.

We welcome the offer to meet with staff in specific teams in the immediate future. However if those meetings are to play a constructive role in amending what we regard as currently inadequate proposals, then the consultation must be meaningful and demonstrate that the questions and views arising from the skills and experience of the professional workforce within the Learning Group – and those of the head teachers, other teachers and other stakeholders affected by these changes - have been drawn up and taken note of, so that the best interests of the county's children are looked after.

Association of Professionals in Education and Children's Trusts
March 20th 2010

1. Introduction

1.1. On February 23rd 2010 Kent County Council announced proposals for restructuring CFE services and staffing leading to redundancy affecting two services that members of Aspect work in. As required by law, a consultation was launched which must last a minimum of 90 days.

The restructure makes fundamental changes to

- The education improvement services that provides a range of support to head teachers, other teachers and to schools and students in Kent.
- The service for unaccompanied asylum children.

1.2. This response focuses on the serious cuts in, and restructure of, the education improvement service. It considers what Kent CC have said the proposals are broadly intended to achieve for the services currently provided, and looks at the evidence that these proposals will meet the goals set out.

A separate note along similar lines is being produced for the unaccompanied asylum children's service.

A further note setting out why Kent CC appears to be in breach of its statutory duty to impact assess its proposals prior to publishing them has already been submitted to Kent CFE management and is available from roger@aspect.org.uk

1.3. This is an initial response from Aspect. We have been asked to submit such a response within the first 30 days after the consultation. This response primarily raises questions rather than making the more comprehensive and proactive response we hope to eventually. At present there is some difficulty in responding in a comprehensive manner to the proposals since:

- no job descriptions for many of the new posts including those with changed job titles were issued for three weeks after the consultation formally started – and when they were issued a few days ago, there appeared to raise serious questions about how key functions would be carried out and by whom
- no documentation has yet been provided explaining the rationale for the new proposals beyond a PowerPoint presentation and a short note
- no documentation has been provided giving the evidence that there is a reasonable chance of their improving services or increasing satisfaction or especially focussing on vulnerable children
- no equality impact assessment has been conducted which might assist in considering whether the proposals have been risk assessed against the equality duties and are fit for purpose

Aspect's response to the consultation takes as its starting points the roles and achievements of the current service. We welcome any changes that will improve the service leading to better outcomes, greater satisfaction and better value for money. Our concern is that the current proposals are unclear, poorly evidenced, and it is uncertain if they are fit for purpose. The process is so significantly flawed for reasons set out below, that we believe head teachers, schools, parents and pupils would be better served if it were to start afresh so that genuine dialogue could take place not just with staff but with those who use the service.

2. What Kent have said the proposals for education improvement are intended to achieve

2.1. The Kent CC Medium Term Plan 2010-2013 states:

"1.11 Education will remain one of our over-riding priorities as we respond robustly to the government's National Challenge. We will continue to transform secondary education in the county, valuing the choice and diversity that our excellent grammar schools and vocational programmes are delivering. In 2009 there were 72.8% 5 A*-C passes in Kent, 5% above the 2009 national average whilst the numbers of young people not in education employment and training (NEETs) reduced, significantly bucking national trends. Our focus now will be to embed our 2010 commitments, continuing to offer curriculum choice and diversity whilst delivering excellent careers advice. We must improve performance in our primary schools and free up further choice and capacity in school admissions".

"1.27. In the current environment, we must focus resources on protecting and supporting the most vulnerable people in Kent"

"1.38. The new equality Framework for Local government is constructed around five areas of change management.....

1.39. All of Kent is involved in implementing the Equality Framework and this is embedded within the business planning process.

1.41. Staff are Kent's most important resource and it is vital that the organisation continues to invest in them and their well being."

2.2. In the PowerPoint presentation given to all CFE staff on February 23rd at the commencement of the consultation on these proposals, staff were told the new CFE structures and the redundancies were intended to:

- "Improve outcomes for all, with particular attention to narrowing the gap for vulnerable children"
- Achieve "high satisfaction from service users"
- "Focus on front line delivery: early years and childcare/Children's Centres, schools and colleges, integrated youth services; supported by teams around the young person and teams around the school"

This was to be done at the same time as achieving

- "savings and efficiencies of 10% from base budgets over the next two years"
- "a net reduction of 260 posts"

For education in particular, staff were told that there would be a:

- "clear focus on early years, school improvement, 14-19, prevention and protection"

and that

- "schools will have a single school improvement partner to support challenge and broker additional health when needed"

Staff were told that the CFE Learning Group specifically:

- "Is accountable for improvement of standards in all phases of learning and development including childcare from Early years, Primary, Secondary, Colleges and with work based training providers for Post 16"
- "will provide a balance of support, challenge and intervention to continually improve"

3. The scale of the cuts

3.1. There are currently 540 posts in the Learning Group (previously ASK)

In the draft proposals out for consultation:

- **268 posts will be deleted**
- **76 posts (Nett) will be transferred in (164 in and 88 out) which mask the extent of potential job losses in certain areas if the service.**

The overall published percentage of post reductions in CFE is 7% but the effect on the school improvement teams is considerably more than this. In the secondary sector there will be in excess of 50% reduction in staffing and current job description releases give no indication of other areas where these staff might be redeployed.

3.2. The majority of posts in the new service have changed job titles, management arrangements, locality and school responsibilities, whilst large numbers of specialist roles are at risk altogether.

In excess of 250 posts will need to be interviewed for within the forthcoming months.

The draft job descriptions that have now been issued do not reassure staff. They confirm that there are substantial gaps in what is proposed, with serious implications for schools, teachers and pupils.

4. The constructive and effective work the education improvement service undertakes may be at risk

4.1. Many examples are provided within this response but we start with two different examples whose future is quite unclear. Similar concerns exist for other teams.

4.2. **The Kent Curriculum team** have developed by, or have led and supported the following

- PSHE education,
- Kent Agreed Syllabus for RE,
- Support for Kent SACRE, annual report writing
- Community Cohesion,
- Preventing Violent Extremism
- Kent Poverty Innovation Pilot Project
- Primary Science scheme of work,
- Kent Swimming policy and training programme,
- Management of secondary school based ASTs
- Local Authority Music Plan
- Licensed music teachers
- Management of Music Bursary scheme
- Kent Music SLA
- Music Instrument purchase, distribution and management
- National PSHE CPD Programme
- National PE & Sport strategy (PESS)
- Support for Initial Teacher Training etc (GTPs, Returners, NQTs)
- Support and moderation for various Quality Mark schemes for schools
- Developing actions to deliver, and monitoring of various National Indicators
- Dissemination and supporting schools with National guidance on a range of issues
- The Primary Capital Programme
- Learning Outside the Classroom
- The statutory assessment moderation of FSP, KS1, KS2 and the moderation of P scales for KCC
- Health and Safety of certain subjects

There is a complete lack of clarity as to who as to who will maintain the development of, or support schools with, the implementation of these key strategies.

4.3. The leadership support team undertakes a range of statutory LA responsibilities for leadership such as:

- leadership and management reviews
- head teacher capability monitoring
- advisory service capability monitoring
- ensuring LA officers are fully trained to fulfil their responsibilities e.g. head teacher recruitment, appointment, induction

This team also liaises with SELT, TDA, DCSF and NC (full titles)

It is quite unclear who will undertake these roles in the new structure.

5. How the council is required to conduct the consultation

5.1. A Local Authority considering a major restructure and redundancies has three specific duties:

- To consult with those affected by such changes within the local population where they may affect services
- To consult with staff where redundancies are possible
- To undertake an equality impact assessment prior to the publication of proposals for formal consultation

5.2. This response is the initial formal response from education improvement staff to the proposals for education improvement. Our response takes as its starting point the following requirements of such a consultation held under Section 188 of the Trade Union and Labour Relations (Consolidation) Act.

5.2. When and how must the employer consult?

5.2.1. Consultation should take place when proposals are at a formative stage , before decisions have been taken in order to enable recognised trade unions to genuinely exercise their influence with time to respond to the proposals.(Amicus v Nissan Motor Manufacturing (UK)Ltd EAT/0184/05).

In fact. A significant number of education improvement staff were told they had been slotted into posts at the very beginning of the process around February 23rd whilst others have been told their posts have been deleted. Moreover this had been done when the large numbers of newly titled posts have no job descriptions. Staff are understandably unclear how some post holders can be slotted, and others excluded from posts, when no job descriptions are available to clarify what the posts entail. As one team told us "some Heads of Service have been told their jobs are secure even though the new posts are on higher grades or they were acting up in the post or even if the new post is reasonably similar". A statement to clarify that any slotting in is provisional has now been made after concerns were raised, but the damage to trust has been done.

5.2.2. The consultation duty extends to consultation over the reasons for the proposed closure (UK Coal Mining Ltd v NUM & BACM UKEAT/0397/06)

In fact. There appears to exist no documentation, other than a Power Point presentation and a very short note, setting out:

- the rationale for the new proposals
- the evidence that there is a reasonable chance of the proposals meeting the stated goals of improving services, increasing satisfaction or especially focussing on vulnerable children

5.2.3. Consultation must be genuine and trade unions must have time to consider properly any proposals put to them (TGWU v Ledbury Preserves [1985] IRLR 412).

Fair consultation must include (R v British Coal ex parte Price [1994] IRLR 72) the following:

- Consultation when the proposals are at a formative stage
- Adequate information on which to respond
- Adequate time in which to respond
- Conscientious consideration of the response

In fact. The absence of any detailed explanation of the proposals, or supporting evidence, and the delay in providing job descriptions for some time after the consultation started has made it hard to properly consider the proposals and their impact on the service we provide, and make the sort of positive response we wish to. That is why Aspect questioned whether the consultation commenced in an appropriate and timely manner.

6. What different staff teams told us about the consultation process:

6.1. "As recently as December 11th 2009, at the ASK Service Day the Curriculum team were discussing locality based teams made up of colleagues from existing teams undertaking more 'generic' functions within local areas. Curriculum Team (CT) members feel that they have been misled about expectations following the publication of details of the restructure. "

6.2. "While understanding the complexity of the reorganisation across the whole of CFE it is disappointing, given the delay of nearly 3 months and the final simplicity of the secondary structure and the level of cuts in secondary posts (approximately 40% compared to 7% across CFE overall), that neither director responsible for developing the new structure was available on Tuesday February 23rd to explain the rationale to staff."

6.3. "Throughout this whole process every effort to represent the Curriculum Team to the Interim Director Learning has been rejected. Initially it was suggested that the time limitations would prevent meeting with all teams. But even during the time between early January and late February, there has been no attempt to meet and consult with teams. As a last resort a paper was written to summarise Curriculum team concerns and activities to ensure that at least some level of one-way communication with this process was taking place. This has never even been acknowledged by senior colleagues. The early stages of the review and restructuring process was described as an opportunity for consultation, as the current part of the process is also a period of consultation. But in view of our past experiences and current outcome, we have no faith in this process and do not expect any of our concerns or suggestions to be taken seriously and to make any impact on the final structure that eventually emerges."

6.4. "The team are acutely aware that in the absence of detailed information about posts available in the new structure or how the new structure will actually operate, there is some difficulty in making a constructive response, especially given some of the suggestions apparently under consideration. For example, there has been a suggestion that school support would become an income generating operation. Given such possible fundamental changes and lack of information staff find it difficult to see how can this enable a realistic consultation period."

6.5. "There is so little information provided that any proper consultation period cannot realistically commence until alternative functions and roles are fully described in posts and job descriptions. Team members do not have any knowledge of opportunities that may be available to them. The few opportunities that do seem to be available for team members to apply for are very limited and do not present real opportunities for further professional development."

7. Is education improvement a front line service or not?

7.1. It was said, as a principle of this process, that “front-line staff would be protected”. The assumption behind these proposals appears to be that the Kent education improvement service is not regarded by those who drew up the plans as a front line service.

7.2. Unfortunately Kent CC has never defined what was meant by ‘front-line’ staff. In fact, since all education improvement staff work directly with teachers and senior leaders in schools to improve learning and teaching opportunities for children and young people in Kent schools, it is quite unclear why education improvement staff are not considered as ‘front line’ staff. There has never been any discussion of any kind with staff or their managers as to why this view appears to have been taken.

When the extensive direct positive impact such staff have on head teachers, schools and their pupils, some of which is set out below, it is clear that the proposed changes will have substantial adverse impact on front line services.

8. The gaps in the service proposals – some questions across different teams

The following 26 questions are a cross section of those staff have raised. Others are raised elsewhere in this response. We hope that if staff get the opportunity, as promised, to meet with the most senior managers in individual teams. This will allow them to explain their concerns and explain what needs to be done to make the proposals fit for purpose. This will also increase their confidence that they will be addressed. The draft job descriptions now issued appear to confirm that such questions need to be asked.

- What work, if any, has been undertaken to **identify what schools need, and whether this can be delivered through proposed new structure?**
- However reduced the CFE **Learning Group Standards & School Improvement (S&SI)** team may be, it will need an efficient and supportive backroom staff behind them. Given the reductions planned to the support teams, what effective and efficient support to professional staff will be available in the future?
- The **Curriculum Team** has a number of important roles and functions that support the recognition of Kent as an excellent Local Authority. Through participation in National and Regional activities and events, Kent is represented on a national platform by well respected professionals who place themselves to share Kent’s excellence practice, and to disseminate across Kent schools the developments that are accessed through these opportunities. Kent has willingly participated in a large number of ‘pilot’ projects that require some strong qualities from officers involved in order to enable effective participation of schools. How will this possibly continue with the reduced staffing?
- The outlined new structure for CFE makes no reference to **how the curriculum and subjects across the curriculum will be supported**. One of the key principles of the CFE restructure was identified as: ‘The transformation of the education curriculum – matching delivery to young people’s aspirations.’ It is not at all clear from information currently available how this will be achieved. There is no clear indication who will carry responsibility for Curriculum development. This is a vitally important aspect for the present, as schools are presently implementing the New Secondary Curriculum and are at the stage of evaluating the impact of innovations. Primary schools are beginning to focus on the forthcoming New Primary Curriculum which is to be implemented from September 2011. There is much work to be done in supporting this very important development for Kent’s Primary schools. Where will the capacity exist within the S&SI team (within the proposed structure) to provide the support and guidance to schools to lead this initiative that will be so important in meeting expectations for 21st Century schools and for maintaining high standards of achievement?
- The **KCC Children’s University** team has been cut by 2/3rd and yet is expected to offer a county-wide scheme single-handedly. Apparently the post will now lose all support staff meaning that a professional member of staff will be paid at their professional rate to do filing and general office duties whilst seriously affecting what professional work can be done. Why is this thought likely to improve outcomes?
- Similarly, the importance of **subject support and development** seems to have been ignored within the proposals. Schools greatly value the opportunities they currently have to commission, either individually or in

partnership, subject related support for subject leaders, whole staff teams and the wider school workforce. The Alexander review, the Rose review, and the subsequent New Primary Curriculum place great importance on subjects within the curriculum. The new Areas of Learning within the New Primary Curriculum will present challenges for many teachers in primary schools. It is unclear whether, or how, this work is expected to continue with the sharply reduced staff numbers?

- Within the proposal documents and explanations received so far, there is no indication **how the new CFE LG S&SI team will be able to support Learning**. There is no indication as to how CPD will be determined, planned and led; at present the ASK web pages are important vehicles for transmitting new resources and developments; currently advisers and teacher advisers are able to respond direct to teachers and head teacher questions and queries either by phone or by e-mail. Literally hundreds of such communications happen each week – who will be responsible for maintaining these important lines of communications?
- More detail is needed on **what the 12 district secondary SIP roles will be**. If there is an expectation that being an accredited SIP is part of the role this places a severe limitation on internal application. On the other hand, given the salary level it is unlikely that other eligible people such as Headteachers would apply for such posts which in turn places the structure at risk
- The **reduction to eight teaching and learning adviser posts** is a dramatic reduction from the level of support currently available to schools leading staff to ask:
 - what is the rationale for eight? This seems at odds with a structure of based around 12
 - where is the definition of what the job will entail without which it extremely difficult to respond to as part of the consultation and also limits the ability of staff to make appropriate decisions?
 - Why is it thought that the proposed salary range could encourage applications from within and outside of the service since the opposite is likely?
- While understanding the logic of the 12 SIP roles linked to the 12 districts we were also told that one of the principles of the restructure was to protect front line staff. We understand that consultants are not seen as front line in the same way as social workers etc. but, in the context of school improvement, they are the ones working with teachers and students. The **proposed structure seems top heavy** in having 12 people at a senior level and only 8 carrying out operational work. Why is this?
- We welcome the recognition of a **Senior Adviser for Leadership** (Sch & CFE workforce) but how is it planned that leadership development can be sustained within this structure even if brokering and service integration offer capability?
- Where and how are the **accountabilities linked from the Senior Leadership post to the Standards and Improvement team**
- Where is the clarity within the structure on the **roles, responsibilities and accountabilities of Senior SIPs**, and/or any leadership responsibilities, not least since streamlining in this case could easily lead to overburdening this role?
- Why is **Workforce Development** not in Commissioning and Partnerships as this is seen as the development of integrated working? Integrated working needs to be the 'golden thread' running through the structure but how is this to be achieved?
- Who will be on the **Local LCT Board** and will they have sufficient authority? What is the relationship to the operational managers' group and KCT?
- 14 – 19 Strategy: There should be a link between the operational group and raising the participation age and also links with FE colleges. Who will develop a coherent **youth strategy**?
- The proposed cuts **to the safeguarding team** (Partnership managers) are of concern bearing in mind that the team are always in great demand for advice and training.
- There is a lack of clarity about the Partnership Managers **Operational Managers Group**. Why is there is an implication that there is an operational manager in the structure whereas in fact this group is chaired by the SIM, who has no operational responsibilities at all?
- Is there not a risk that the **move of the preventative agenda to Children's Specialist Services** may deter many vulnerable families from engaging with preventative services?
- The **draft job descriptions** appear to have serious weaknesses with a whole raft of functions having been deleted suggesting that major revision is needed to capture these functions. Of course if that happens it will

immediately suggest that there are too few posts to undertake the work needed or promised, **or** that inevitably, once the

- structure is in place, there will be extensive **role drift** with functions being added to posts in ways that make it difficult to justify both the numbers of jobs and their grading. To take a simple example, touched on earlier, the eight teaching and learning adviser posts are set at points 10-13 and are little more than AST posts. Given this, where is the adviser element in the service and who will be delivering CPD?
- What is being said to **secondary head teachers** about the impact of the sharp cuts in the numbers of staff? Are they aware of the concerns being raised in this initial response? Are their concerns being given a route for feedback and consideration?
- The proposals claim that they are “creating a framework for schools to be more ambitious for pupil achievement and attainment which will result in significant **improvements to individual and collective performance**. Where is the evidence for this bold statement?
- The proposals claim they will broker local partnerships between schools “especially to ensure **better achievement of ECM outcomes**”. Which ECM outcomes and precisely how is it thought this will happen?
- The proposals describe how they will assist the commissioning of locally focussed school support services, and schools in categories causing concerns. Who will do this, how, and with what resources?
- Changes to the **teacher professional accreditation**. One of the most controversial elements of the White Paper is the proposal that teachers would be required to gain a ‘licence to teach’, nicknamed the ‘teacher MOT’, renewable every five years. More robust training for governors and schools’ management has also been proposed. ” it is quite unclear who could do this and how under the new structure.

9. The lack of a risk assessment. The example of the Secondary National Strategy team

9.1. It is unclear what comprehensive risk assessment has been undertaken in making these proposals. The lack of detail available so far makes it hard to comment on the proposals and, therefore, limits the consultation exercise. The information given to schools on the proposals focuses on the reorganisation into 12 districts and doesn’t reveal the full impact of proposed cuts. This places staff in a difficult position in having to explain something for which they have been given limited rationale and limited detail.

The following questions about the work currently undertaken by **just one team** ask how schools will access support for this work and how the Local Authority will meet its responsibility for statutory requirements and targets. Similar questions can be asked for each team across the learning group.

9.2. National Challenge – significant support has gone into some national challenge schools to enable them to make the progress that has been made. While the new Teaching & Learning Adviser posts may be targeted towards these schools, it is unclear how the new structure takes into account the level of support that has been needed in order to make the progress so far?

9.3. OFSTED – as we experience more schools going into an OFSTED category this places further demand on resources at current level. It is unclear how adequate support will be provided through the new structure?

9.4. Implementation of new GCSEs – there are significant changes in the new GCSEs, particularly for English and maths linked to National Challenge. How are the implications for early entry and management of courses during the change over year taken into account? How will other subject specification changes be supported?

9.5. Meeting the needs of different learners – a number of schools have adopted a range of different types of course in order to meet the needs of different learners. This has had positive impact on individual students as well as school and LA results. However, experience when schools have adopted new courses such as BTEC and OCRs in science and ICT shows that significant numbers of students can be at risk of not passing due to lack of understanding of the system and content of the qualification How will the proposals address that need?

9.6. Introduction of functional skills in English, maths and ICT – in the pilot phase there has been successful development in a number of schools. However, this is often on a small scale linked to a few teachers within the school. The full roll out of functional skills and the link with new GCSEs will be a significant issue for all of our schools. Our experience from the pilot shows that careful planning is needed in order for students to have success at all levels. How will this take place with the staffing reductions proposed?

9.7. Maintenance of established school networks - eg. For SEAL, assessment and APP, lead teacher. These provide good opportunities for teachers to share practice but even with schools taking a lead, experience shows that facilitation is needed in order to keep them going effectively. Where is the capacity for that in these proposals?

9.8. Workforce development - No account seems to have been taken of the contribution of the team to other areas within the group. For example, in workforce development much of the actual delivery for GTPs, NQTs, and TAs etc. has been by members of the team. Don't the proposals place such workforce development, particularly for the new generation of teachers in Kent, at risk?

9.9. One to One Tuition Programme - Although there is a programme manager within the primary team structure, no account has been made for QA of what amounts to a very large programme which is doubling in size. There may be an expectation that some support will be picked up by;

- Accredited training providers
- School-based ASTs
- Lead teachers
- Specialist Schools

However:

- There are relatively small numbers of school-based ASTs and not all are able to get the full release time expected and/or do not have the range of expertise to address issues likely to arise
- The lead teacher model is difficult to maintain without support – experience shows that many schools are reluctant to release teachers, particularly in the core subjects, and there is concern from teachers about competition between schools. Generally effective networks rely on someone to be a facilitator and keep them running
- Specialist schools do not always have a good track record in the specialist subject. Therefore, the expectation that they can provide effective support needs careful auditing.

Where is the capacity to ensure support for this area of work?

10. School improvement partners and advisers – change without evidence

10.1. The proposals say that the **role of SIPs** will be changed so that they take on

“a wider role of brokering support based on a deep understanding of a school, its challenges, and what will be effective in generating improvement.....support will come from a wider range of providers including high performing schools and nationally accredited providers.”

If this is so it is unclear why Kent CC plan to discard large numbers of the very people who are best placed to understand what is needed and to provide what is needed? How is it realistically expected that the radically reduced numbers can perform this function and where is the evidence that the “wider range of providers” exist and will be funded to do so?

10.2. Moreover, the **SIP structure appears highly premature** with the following developmental timetable still in hand, even as KCC claims that it is ready to consult. It is unclear how Kent CC can implement its new structure in 2010 when the full programme of SIP accreditation will not be known until 2011.

- 11 January – 9 April 2010: Consultation.
- April 2010 – April 2011: Design of the new programme.
- April 2010 – April 2011: Design and implement the QA strategy.
- April 2010 – April 2011: Design and implement the SIPs National Register.
- April 2011: Implement the new re-accreditation programme.

Given that the nature of the SIP role is still in flux it is not clear how KCC can believe it knows what level and type of support and numbers of Advisors are needed for each SIP.

10.3. Further concerns exist in respect of the **implications of Ofsted's "new inspection regime for the proposed structure**. The Children, Schools and Families Select Committee looked very closely at how Ofsted's role could be improved. The White Paper responds to their findings by changing the role of Ofsted from conducting punitive inspections on a school's performance to looking at a more rounded pupil and parent-based view of school experience, which will be communicated through the new School Report Card." There is no mention in any documentation for the proposals of how KCC can demonstrate that it has the capacity to monitor and support the new structure.

10.3. The 6 **School Improvement Advisers** are currently principally engaged in working with schools in challenging circumstances including those in OFSTED categories. This team has considerable expertise and experience in this field and has a proven track record of success.

The team is deleted in the new structure and the expectation seems to be that the SIA role will fall to some 29 LA SIPs. It would be hard to regard this as an enhancement to the service currently offered, since it is quite unclear whether the specific expertise will exist in this new team.

At present, schools in category tend to be concentrated in some districts rather than others and this will lead to inequality in responsibility for the Senior SIPs and the SIPs who work with them.

10.4. The SIA team write the required **Local Authority Statements of Action**, offer enhanced SIP support and broker support from teams within The Learning Group. Even now, the capacity on offer for us to broker has reduced considerably and we are struggling to find AST support (which has proved vital in securing improvement in the quality of teaching in many schools)

Since the new framework has come in, more schools have gone into category and there is even more need for the support that is missing from the new structure. Without that it is uncertain that we can fulfil our obligation to ensure that schools are removed from category.

Lead teachers and school based ASTs do not have the capacity to support the schools and as they are not part of The Learning Group, do not follow protocols with Notes Of Visit and attendance at round table meetings to review support. It is uncertain how the effectiveness of that support could be monitored or evaluated.

10.5. School Improvement Advisers currently share PAs with at least 2 other advisers and the PAs are extremely busy. The new structure seems to suggest that **even less administrative support** will be provided and so this will mean that SIPs will need to spend increased time on admin tasks. Is this really a step forward?

11. Will the new proposals achieve what they aim to - the example of the Partnership Managers?

11.1. Currently the focus within the overview document **lacks any major linkage with the findings of the KCT review**. Locality working is reflected in area and district configurations – there is no apparent acknowledgement of

the principles of partnership or integrated working at the interface. Partnership managers undertake a very extensive range of roles and it is quite unclear who is expected to carry these out within the new structure, or how,

Better co-ordination has been identified, as part of the KCT review as a necessary precursor to **the outcome of merger /integration**. The proposed CFE restructure document as it stands, is weak in this area and does little to **model principles of integration and partnership working for other KCT partners**. The process of turning policy on multi-agency working into practice is far from being a simple top-down approach and instead involves multiple perspectives and inputs. This requires working together in new and unfamiliar ways. A major risk in the proposed CFE structure is that despite benign intentions the structure can inadvertently perpetuate existing power relationships between practitioners and Heads of professions/specialist services and this then leads to disempowerment of service users. This would result in reduced support for children, young people and their families.

11.2. PMs recognise the principle of best value for children's services is also important. The **structure** outlined in the overview document appeared to be **expensive in part through being top heavy** at the Area and Heads of Services level.

It is difficult to see at this point in time, how this redesign of how we do things improves the quality of life for children and their families at a universal and specialist level – this principle; improving the quality of life, being embedded in children's services guidance and legislation as well as initiatives such as Total Place.

12. Conclusion

12.1. A significant number of smaller councils have already moved to a model with some similarities to that proposed whereby they retain a small core of staff who lead the school improvement function, work with schools to set the collective priorities, create the annual school improvement plan and provide leadership for and liaise with School Improvement Partners [SIPs], and work closely with schools causing concern. But for such councils programmes of support and intervention are normally commissioned by the core team from a range of sources either through a formal partnership with an external partner, or through an annual service agreement or by using a group of trusted experts or indeed by a combination of these things.

Kent, however is not a small authority. It is the second largest authority. It is entirely unclear whether the proposal that this model should be adopted for Kent has been properly evidenced.

12.2. Aspect recognises the difficult financial context in which the council operates. Our central concern is that the proposals for the education improvement service, as currently set out will damage the service without any evidence that the new structure and service can possibly deliver either

- **the broad goals set out in the proposals** – better outcomes, higher customer satisfaction and improved support for vulnerable children, or the
- **specific statutory and strategic goals and specific services** that the service currently provides

12.3. The process has been significantly flawed so far, in ways that have demoralised staff, not enabled a constructive and serious dialogue about the consequences of the proposals, and how best to mitigate the impact on both services and staff.

The long term interests of head teachers, schools, parents and pupils would be best served by immediately providing the following information:

- The rationale for the proposals
- The evidence that they are believed to be the best way forward and have reasonable prospects of delivering their stated goals

- Sufficiently detailed responses to the questions raised in this initial response such that staff, and those who use the services, can understand the full picture of what is proposed and its implications

12.4. In view of the fact that the council appears to have breached its statutory duty to conduct an equality impact assessment as an integral part of developing these proposals, and in view of the fact that it has so far been very difficult for staff to respond to the proposals for reasons set out above, we have already suggested to Kent CC that the consultation should recommence once that information is available.

If that is not going to happen, as appears to be the case, then it is even more important that the council responds to our wish to influence the proposals for the better, and does so in ways that demonstrate a real desire to “listen conscientiously”, answer reasonable questions, and ensure the proposals are more robust than they appear to staff at present.

If this is done, we are confident it will substantially reduce the proposed job losses and appropriately amend the proposed structure

Appendix 1. Statutory consultation so far?

Kent CC commenced a redundancy consultation on February 23rd. Some 260 jobs are to go. The reasons for the redundancies, which are linked to substantial restructuring of services, has been variously given as being to save money and improve service outcomes, improve customer satisfaction, and better target services.

What is an employer is required to do in a redundancy?

The employer has a legal obligation to consult as there are more than 20 redundancies under section 188 of TURLCA as amended by the 1995 Regulations.

When must the employer consult?

Consultation should take place when proposals are at a formative stage , before decisions have been taken in order to enable recognised trade unions to genuinely exercise their influence with time to respond to the proposals.(Amicus v Nissan Motor Manufacturing (UK)Ltd EAT/0184/05).

Moreover the employer cannot give notice of redundancy before the consultation process has been completed (Junk v KuhnelC-188/03([2005] IRLR 310)

Consultation should take place when proposals are at a formative stage , before decisions have been taken in order to enable recognised trade unions to genuinely exercise their influence with time to respond to the proposals.(Amicus v Nissan Motor Manufacturing (UK)Ltd EAT/0184/05).

In accordance with the Court of Appeal decision in UNISON v Leicestershire County Council [2006] EWCA Civ 825 [2006] IRLR 810the duty to consult arises before any decision to terminate contracts has arisen.

What must the employer consult about?

Employers must consult about how to:

- Avoid dismissals
- Reduce the number of dismissals
- Mitigate the consequences of any dismissals

The consultation duty extends to consultation over the reasons for the proposed closure (UK Coal Mining Ltd v NUM & BACM UKEAT/0397/06)

Consultation be genuine and trade unions must have time to consider properly any proposals put to them (TGWU v Ledbury Preserves [1985] IRLR 412.

Fair consultation must include (R v British Coal ex parte Price [1994] IRLR 72) the following:

- Consultation when the proposals are at a formative stage
- Adequate information on which to respond
- Adequate time in which to respond
- Conscientious consideration of the response

The relevance of other statutory duties

The duty to conduct an equality impact assessment was explained in some detail in Advice Note for Public Authorities¹ entitled The Public Sector Equality Duties published by the Equality and Human Rights Commission

That note followed clarification by the House of Lords in R (Kaur) v London Borough of Ealing [2008] EWHC 2062 (Admin) stated:

"24. The need for advanced consideration must be distinguished from the use of such impact assessments for what Lord Justice Sedley described as a rearguard action following a concluded decision (see R (BAPL and Another) v Secretary of State for the Home Department and the Secretary of State for Health [2007] EWCA Civ 1139 at paragraphs 2 and 3). What is important is that a racial equality impact assessment should be an integral part of the formation of a proposed policy, not justification for its adoption.

"36. As a result of the protests at the absence of the equality impact assessment, on 18 December 2007 the defendant confirmed that its decision would be to withdraw its earlier decision of 18 September 2007 and would extend the consultation process to the end of January. It stated that a draft equality impact assessment would be sent to voluntary organisations on 17 December 2007. That letter, dated 14 December 2007, stated:

"The council does not accept that the absence of an equality impact assessment renders the decision of 18 December unlawful. The decision to proceed with the proposal was clearly contingent on the EIA being underpaid. The intention was that it would be available before final recommendations were made in February 2008."(Quotation not checked)

"That was a clear error. **The authority was not entitled to formulate policy before any equality impact assessment. Thus it is unlawful to adopt a policy contingent on an assessment.**" (Our emphasis).

Consequences for the consultation

There are two concerns as to whether the Kent CC s.188 consultation meets its statutory requirements as summarised above, despite telling staff and trade unions this was a genuine redundancy:

1. Kent have accepted that an impact assessment was not carried out as part of the development of the proposals. At the consultation meeting on 23rd February we were told, on asking, that it was not "yet" completed. This is despite the Director of Children's Services, and HR having had that duty drawn to their attention on January 6th, i.e. that they had to do it ahead of publishing the consultation document. This appears to be a breach of Lord Moses' judgement in (R) Kaur v LB Ealing.
2. Kent CC failed to produce job descriptions in a timely manner as part of the consultation though they have now been issued to senior staff. As a result, it has been extremely difficult to start preparing a response to the proposals as for education improvement staff this restructure involves massive cuts in staffing and a complete restructure in which role titles are quite different in many cases and it is still not possible to tell from the skeleton diagram of the service provided and the job descriptions precisely what and how the restructured service will do, and what it will no longer do. Moreover Kent has provided no written documents to trade unions or staff, beyond a PowerPoint presentation and a very short note, setting out the evidence for the various assertions that the changes proposed will "improve outcomes", "increase customer satisfaction" which might make it possible to produce a coherent response to the proposals in the spirit of the statutory requirements in order to judge whether it is possible to reduce or mitigate the redundancies.

That is why Aspect has been so critical of the consultation process. It remains to be seen if the next few weeks address at least some of our concerns.