

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

|                        |   |
|------------------------|---|
| <b>Decision Maker:</b> | Cabinet   |
| <b>Date:</b>           | 5 February 2018   |
| <b>Title:</b>          | Strategic Partnership for Hampshire County Council to deliver Children's Services for the Isle of Wight Council |
| <b>Report From:</b>    | Director of Children's Services   |

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### 1. Recommendation

- 1.1. That the Cabinet of Hampshire County Council agrees to continue its strategic partnership with the Isle Wight Council in order to deliver the range of Children's Services, as defined by the 2004 Children Act.
- 1.2. That the negotiation and agreement to the Heads of Terms is delegated to the Chief Executive of the County Council.

### 2. Summary

- 2.1. The purpose of this paper is to seek Cabinet approval for the renewal of the strategic partnership between Hampshire County Council and the Isle of Wight Council for the delivery of Children's Services on the Isle of Wight.
- 2.2. The current partnership between Hampshire County Council and Isle of Wight Council was initiated in July 2013 and supported by a statutory direction put in place by the Secretary of State for Education due to the failure of Children's Services on the Isle of Wight in both its safeguarding and education functions. That partnership has since brought demonstrable improvements for Isle of Wight children and has also benefited Hampshire County Council.
- 2.3. The partnership is due to expire at the end of June 2018. The Cabinet of the Isle of Wight Council has voted to seek to continue the partnership and this was unanimously supported by its Scrutiny Committee. The Cabinet for Hampshire County Council now needs to decide whether to endorse an ongoing strategic partnership.

### 3. Contextual information

- 3.1. As a result of an Ofsted inspection of the Isle of Wight council's Children's Services in late 2012, the council was judged to be inadequate in respect of the effectiveness of its arrangements to protect children on the Isle of Wight. Shortly afterwards the council's school improvement services were judged to be 'ineffective' by Ofsted. As a result, the Department for Education issued a statutory direction requiring the council to enter into a strategic partnership with Hampshire County Council for a period of five years in order to deliver the necessary improvements for both children's safeguarding and education services.
- 3.2. The Isle of Wight Cabinet of the time, at their meeting of 19 June 2013, undertook the formal constitutional decision making required to enter into the strategic partnership with Hampshire County Council. Approval was also given to the appointment of the Director of Children's Services for Hampshire County Council to act in the capacity as the Director of Children's Services for the Isle of Wight Council with effect from 1 July 2013. This process was mirrored in Hampshire through the decision taken by the Executive Lead Member on 12 June 2013.
- 3.3. Under the terms of the strategic partnership, both councils' statutory duties and responsibilities remain in place and as such this means that the overall political control and accountability for the delivery of outcomes for Children's Services on the Isle of Wight is retained by the Isle of Wight Council as is the case for Hampshire County Council; there is no 'merging' of political accountabilities. The Director of Children's Services has full delegated responsibility for the strategic and operational management of all children's services functions, in accordance with the relevant council's constitution, scheme of delegations and policy framework.
- 3.4. Since the inception of the strategic partnership, there has been regular reporting undertaken through relevant committees on the Isle of Wight in order to monitor progress being made to secure the required improvements. An annual review meeting has also taken place every year between the two councils which has involved the respective leaders, executive lead members and chief executives from both authorities. As required under the ministerial direction, a Children's Improvement Board was also established and independently chaired by Professor Ray Jones.
- 3.5. Ofsted returned in June 2014 to undertake a re-inspection of the Isle of Wight's arrangements for school improvement. Ofsted's judgements were overwhelmingly positive and described the arrangements put in place through the strategic partnership as "effective" meaning that the work being done was considered to be leading to schools improving and children and young people doing better.
- 3.6. Ofsted returned again in September/October 2014 to undertake an unannounced inspection of services for children in need of help and protection, looked after children and care leavers, utilising a new and tougher single inspection framework. Ofsted's judgements saw the council's arrangements moving from being 'inadequate' to 'requires improvement to be good'. This judgement moved the council in line with the majority of local authorities reviewed under this new regime, thus

demonstrating that significant progress had been secured in what was a relatively short period of time.

- 3.7. Good progress continues to be made in both areas, see below.
- 3.8. In February 2015, the Department for Education formally reviewed the progress being made against the agreed improvement plans and concluded that while the Statutory Direction should remain in place until June 2018, the Children's Improvement Board was no longer required given the rapid improvements that had been made to the Local Safeguarding Children's Board in holding partners to account for the safeguarding of children on the Island.
- 3.9. In September 2016, a summary report was presented to members detailing the evidence of the progress made since the inception of the Children's Services strategic partnership between Hampshire County Council and the Isle of Wight Council together with the identification of the areas where further practice and management improvements were required and which would form the basis of revised improvement plans.
- 3.10. In June 2017 Department for Education officials again reviewed the progress of the partnership under the terms of the statutory direction and were extremely positive about the progress made.
- 3.11. The Isle of Wight council's Internal Audit Service (delivered under service contract with Price Waterhouse Coopers) undertook an audit of the partnership arrangements with Hampshire County Council for the delivery of children's services. This review examined the strategic partnership documentation; supporting operational plans; reporting mechanisms and arrangements for exit planning for when the Statutory Direction reaches its conclusion. The outcome of that review concluded that there was satisfactory evidence to suggest that the partnership was working to the benefit of the council in its improvement journey, with a few minor suggested improvements required.
- 3.12. Members on the Isle of Wight and in Hampshire have been kept informed of the progress made against the agreed improvement plan through the strategic partnership. All aspects of its delivery have also been open to scrutiny. There is demonstrable evidence of the improvements that have been secured thus far, including the multi-agency local safeguarding children's board, charged with securing the necessary professional collaboration to work together to keep children safe, along with evidence of the relationships established through the work of the partnership. See below for more details.
- 3.13. The partnership between the Isle of Wight Council and Hampshire County Council has evolved during the last four years to one where the arrangement is beneficial to both councils, not simply in financial terms but for example.

- The Area Director (Isle of Wight) is a member of the children and families management team and contributes to the development of policies, procedures and practice across the two local authorities;
- All Isle of Wight service managers are part of the Hampshire County Council and Isle of Wight Council wider children and family's management team with shared key strategic responsibilities across both organisations;
- All team managers take part in service wide meetings and work across the partnership to develop specific projects;
- Isle of Wight Council staff have engaged in peer reviews of Hampshire County Council's children's services on a regular basis (Hampshire County Council staff undertake an annual peer review of the Island's children's services);
- Isle of Wight children's service staff contributed to the development of the Department for Education innovations programme across both organisations and are currently supporting the 'partners in practice' developments in Hampshire County Council;
- Isle of Wight children's services staff contribute to task and finish groups regarding specific projects across partnership
- There has been a range of secondment opportunities made available for both Isle of Wight staff and Hampshire County Council staff within respective organisations (two secondments to the Isle of Wight Council and four secondments to Hampshire County Council);
- The Area Director (Isle of Wight) led and developed the Neglect Strategy and toolkit;
- More recently Isle of Wight Council staff contributed to improvement work being led by Hampshire County Council with Torbay children's social care peer support visits.
- A range of senior managers have had opportunities to develop and carry out service development that they may not otherwise have experienced in Hampshire contributing to their professional development and, in turn, strengthening performance and capacity in Hampshire.

3.14. In Ofsted's inspection of safeguarding services in Hampshire in 2014, inspectors stated that the partnership with the Isle of Wight '... has not compromised performance in Hampshire. Indeed, inspectors saw evidence of learning from the experience being used to re-evaluate aspects of children's services in Hampshire. These include front line responses to contacts and referrals and the provision of professional development opportunities for middle and first line managers.' As the partnership has deepened since this point, those benefits have also been evident in education and support services.

3.15. The strategic partnership agreement is due to expire at the end of June 2018 and consideration now needs to be given to the longer term management arrangements of children's services on the Isle of Wight. Utilising the power to trade under section 1 of the Local Authorities (Goods and Services) Act 1970, a local authority has the power to enter into an agreement with any public body for the supply of administrative,

professional or technical services. However, any agreement is subject to the council having complied with the public procurement regulations. An exemption applies where the agreement between two public bodies is one where there is a sharing of resources, that the agreement is one of partnership working rather than it being merely a supply of services which would indicate a contract for services arrangement.

- 3.16. The Isle of Wight council had to properly consider a range of options open to the council. They considered the following options:
- To let the strategic partnership agreement with Hampshire County Council expire in June 2018 and for the Isle of Wight Council to take back the strategic management responsibility for children's services and to develop alternative business models for aspects of children's social care and education.
  - To extend the current strategic partnership with Hampshire County Council into the longer term, with break clauses in the partnership agreement to review after each substantive Ofsted inspection/every five years.
  - To enter into a new strategic partnership with another local authority with break clauses in the partnership agreement to review after each substantive Ofsted inspection/every five years.
  - To commission/create a not for profit Trust for the alternative delivery and governance arrangements for children's social care and education outside the operational control of the local authority.
- 3.17. The Isle of Wight council's Corporate Plan 2017 – 2020 establishes twelve outcomes as measures of success in achieving the overall ten-year vision for the Isle of Wight to be an inspiring place in which to grow up, work, live and visit. At the heart of this vision is the stated outcome that "all young people will have the best start in life so that they can fill their potential". The council has also set out its commitments in its strategy "Excellence in Education" to secure 100% of schools being rated as good or better by 2021. The council considered it essential therefore that there continues to be robust arrangements in place for the strategic and operational delivery of children's services and its related functions in order to provide confidence and assurance that continued and sustained improvements can be secured and maintained.
- 3.18. At its Cabinet meeting on 9 November 2017, the Isle of Wight Cabinet considered all of the above options and voted unanimously to seek to continue the strategic partnership with Hampshire County Council. This was supported by the Council's Scrutiny Committee which also supported the recommendation unanimously. The full report and decision can be seen here <https://www.iwight.com/Meetings/committees/cabinet/9-11-17/Paper%20E.pdf> .
- 3.19. There is already a detailed partnership agreement in place that sets out the agreed operational arrangements. However, it will be necessary to consider new heads of terms for the partnership and to upon which future performance monitoring can be undertaken. These adjustments will be based around the continued delivery of the council's statutory duties and

the outcomes set out in the Corporate Plan. The Chief Executive of the Isle of Wight was afforded delegated authority, in consultation with the Cabinet Member for Children's Services and Cabinet Member for Resources to determine the expected partnership outcomes; required performance outputs and resource requirements, for integration to the new partnership agreement together with any amendments required to the partnership agreement so that it reflects the current position and not the position at the time of the direction. An outline of those heads of terms, are appended to this report at Appendix A. It is proposed that the authority to agree to negotiate and agree the terms and conditions is similarly delegated by Hampshire County Council to the Chief Executive of the County Council.

#### **4. Finance**

- 4.1. The current Isle of Wight budgetary provision for the delivery of the strategic partnership with Hampshire County Council is circa £1.3 million per annum. This makes provision for the allocation of an agreed percentage of Hampshire County Council officer time, for work undertaken for the Isle of Wight Council, plus a 15 per cent overhead charge to cover additional administrative costs and travel expenses. There is an additional £700,000 per annum charge for the delivery of other service support activities, outside of the partnership agreement and which could be subject to separate review. These include the hosting of the council's social care database system; out of hour's service; school property services and school improvement programmes.
- 4.2. As a result of the strategic partnership with Hampshire County Council, there have been some £4.3 million savings delivered to the Isle of Wight Council in the delivery of children's services in the period 2014 to 2016, with a further potential £1.2 million identified for delivery within the current financial year.

#### **5. Performance**

- 5.1. Improvements have been substantiated by Ofsted and the Department for Education in their follow on inspection and whose inspectors will have met with partner organisations, service users and staff to inform their judgements. The partnership has secured significant improvements in children's social care. These can largely be considered within two areas. Firstly, the workforce. In 2013 there was no recruitment and retention strategy, morale was exceptionally low and the percentage of agency social workers had risen to 47% of the workforce. Staff described a culture where they were not listened to and felt anxious in speaking out. It was noted by Ofsted in the re-inspection of 2014 the local authority had taken *'extensive action to secure a stable, competent and sufficient workforce.'* By 2017 in a pilot inspection under the new inspection framework, Ofsted noted that *'knowledgeable, confident and accessible managers support staff well to make decisions about how best to support and protect children. Management oversight of this work is strong. Social workers have access to a wide range of good training opportunities. Senior leaders promote a*

*culture of continuous improvement, supported by well-motivated staff whose morale is high. Staff vacancies and the use of agency workers are low.*' (currently 3%). In the annual staff survey of 2016/2017, Isle of Wight staff said they were able to raise concerns with line managers and found senior managers approachable, accessible and responsive. Turnover of social workers is now at an all time low and staff have developed a sense of pride in their work, supported by access to joint training and development with their Hampshire counterparts

- 5.2 The second area of significant improvement in children's social care relates to the operating model. The front door to the service now operates through Hampshire's Multi Agency Safeguarding Hub (MASH), providing consistent and safe thresholds of service. The Children in Need service has been reinstated and the service is structured on the same basis as Hampshire children's social care. Policies and procedures have been introduced providing clear accountability for managers and practitioners alike. This has allowed social workers' practice to flourish whilst providing good management grip and oversight. As part of the improvement journey, the confidence of multi-agency partners in children's social care has increased, allowing for a more mature partnership approach to children's safeguarding across the island.
- 5.3 Improvement in the quality of education being provided on the Isle of Wight has been significant. In 2014, only 52% of schools were assessed by Ofsted as providing a good or outstanding education for their students. At the end of November 2017 that proportion had improved to 80%. In 2014, 18% of schools were judged to be providing an inadequate education for their students. At the end of November 2018 there was only one inadequate school (2%) on the Island, Sandown Bay Academy. Plans are in place to close the inadequate academy and to expand a primary school to create an all through school. Ofsted inspections of individual schools point to an improvement in the quality of leadership and management of schools which is impacting on improving teaching, learning, curriculum and assessment and standards of attainment.
- 5.4 From a position of relative weakness, early years outcomes are now above the national average ensuring that children on the Isle of Wight have a good start to their education. Standards at the end of primary education have also improved with pupils now performing at the national average in reading. Standards in writing and mathematics have improved faster than the national rate of improvement although mathematics will require significant improvement. Although standards at the end of secondary education have also improved significantly, this remains a key focus of the improvement strategy as outcomes still require improvement.

## **6. Consultation and Equalities**

- 6.1. No consultation is required and now that performance is strongly improving in both educational and safeguarding terms there is no authority for the Department for Education (DfE) to specify a further direction under the powers of the Secretary of State. However, DfE officers from the

safeguarding team and the Regional Schools Commissioners team have been kept fully apprised of developments.

## **7. Future direction**

- 7.1. This decision sets the future direction for partnership working with the Isle of Wight in relation to Children's Services. It is foreseeable that other similar partnerships may develop with other authorities and also with regards to other services. Developing strategic partnerships such as this is one way for councils to develop mutually advantageous arrangements which benefit tax payers and service users in times of ongoing austerity. It should be said that the future of such partnerships are contingent, to a degree, on Hampshire maintaining its high performance in safeguarding and education services.
- 7.2. Cabinet is therefore recommended to agree to the renewal of the strategic partnership between Hampshire County Council and the Isle of Wight Council for the delivery of Children's Services on the Isle of Wight.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

|   |     |
|---|-----|
| <b>Hampshire maintains strong and sustainable economic growth and prosperity:</b> | yes |
| <b>People in Hampshire live safe, healthy and independent lives:</b>              | yes |
| <b>People in Hampshire enjoy a rich and diverse environment:</b>                  | no  |
| <b>People in Hampshire enjoy being part of strong, inclusive communities:</b>     | yes |

**Other Significant Links**

|  |             |
|--|-------------|
| <b>Links to previous Member decisions:</b>                           |             |
| <u>Title</u>   | <u>Date</u> |
|  |             |
| <b>Direct links to specific legislation or Government Directives</b> |             |
| <u>Title</u>   | <u>Date</u> |
|  |             |

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

|  |   |
|--|---|
| <u>Document</u>                        | <u>Location</u>   |
| Children's Services Partnership report | <a href="https://www.iwight.com/Meetings/committees/cabinet/9-11-17/Paper%20E.pdf">https://www.iwight.com/Meetings/committees/cabinet/9-11-17/Paper%20E.pdf</a> |

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

1.3. This proposal will have no or limited impact on equalities in Hampshire. The report sets out that a previous Ofsted report has highlighted the benefits of the partnership to Hampshire Children's Services and thus to children in Hampshire.

### **2. Impact on Crime and Disorder:**

2.1. There should be no impact on Crime and Disorder in Hampshire.

### **3. Climate Change:**

3.1 There is no or minimal effect on climate change with most journeys to the Isle of Wight being carried out on existing public transport.

## Hampshire County Council & Isle of Wight Council

### Strategic Partnership

#### Services and Scope:

As currently set out in Schedule 3 of the Strategic Partnership Agreement:

1. During the term Hampshire County Council will provide the statutory role of Director of Children's Services as defined in:
  - 1.1 Section 18(2) of the Children Act 2004 (as amended) as follows:
    - 1.1.1 Education functions conferred on or exercisable by the Isle of Wight Council (within the meaning of sections 13 and 133(A) Education Act 1996.
    - 1.1.2 Functions conferred on or exercisable by the Isle of Wight Council which are social services functions (within the meaning of the Local Authority Social Services Act 1970 (c42)), so far as those functions relate to children
    - 1.1.3 Functions conferred on the Isle of Wight Council under sections 23C to 24D of the Children Act 1989 (c.41) (so far as not falling within paragraph (b))
    - 1.1.4 Functions conferred on the Isle of Wight Council under sections 10 to 12, 12C, 12D and 17A of the Children Act 2004
    - 1.1.5 Functions exercisable by the Isle of Wight Council under section 75 of the National Health Service Act 2006 or section 33 on behalf of an NHS body (within the meaning of those sections), so far as those functions relate to children
    - 1.1.6 Functions conferred on the Isle of Wight Council under Part 1 of the Childcare Act 2006.
- AND
- 1.2 The 2012 Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services which is summarised (in as far as it relates to the Director roles) as:
  - 1.2.1 The Director of Children's Services is appointed for the purposes of discharging the education and children's social services functions of the local authority. The functions for which they are responsible are set out in section 18(2) of the Children Act 2004. This includes (but is not limited to) responsibility for children and young people receiving education or children's social care services in their area and all children looked after by

the local authority or in custody (regardless of where they are placed).

- 1.2.2 The Director of Children's Services has professional responsibility for children's services, including operational matters and a key leadership role both within the local authority and working with other local agencies to improve outcomes for children and young people.

To be delivered in a manner consistent with the Isle of Wight Council corporate plan (2017 – 20) and subsequent amendments.

### Key Partnership Outcomes:

- All young people will have the best start in life so that they can fill their potential
- Vulnerable young people are supported and protected
- Young people take responsibility for their own health and wellbeing
- A well-educated and skilled community

### Key Partnership Outputs:

1. A Children's and Young People's Plan that is current, relevant and delivered in accordance with its expectations.
2. A current and relevant action plan (presently Delivering Educational Excellence) with clear road map and expectations for raising educational standards in Island schools, delivered in accordance with its expectations.
3. Preparation for and response to Ofsted inspections.
4. An effective and efficient Safeguarding Board; ensuring adequate levels of protection for young people at all times.
5. Appropriate representation at key corporate meetings ensuring the needs of services are well represented in the local authority's activities.
6. Leadership of the local authority's response to any proposed or actual amendments to legislation in respect of its children's services.
7. Work within the corporate framework for, policy and strategy development and decision making.
8. Make appropriate representations to the Full Council in respect of the finances necessary to deliver the services and work within the agreed financial parameters agreed by the Full Council.
9. Ensure there is a sufficient quantity of school places at all time, provided in the most cost effective way and work to secure capital funds to ensure the highest standards of school provision possible.

### Key Partnership Indicators – Long term:

| Measure  | Three year target (March 2020) | Ten year target (March 2027) |
|--|--------------------------------|------------------------------|
| Percentage of schools graded good or better in most recent inspection. | 90%                            | 100%                         |

| <b>Measure</b>   | <b>Three year target (March 2020)</b> | <b>Ten year target (March 2027)</b> |
|--|---------------------------------------|-------------------------------------|
| Average attainment 8 measure at year 11 when compared to comparator authorities. | better than average                   | Top 25%                             |
| Percentage of children looked after (per 10,000 children ≤ 18 years old).        | 80%                                   | 70%                                 |
| Percentage of 16 to 18 years old Not in Education, Employment of Training.       | 2%                                    | 1%                                  |

Note: targets to be reviews annually as part of the contract review process

**Key Partnership Indicators – Short term:**

| <b>Measure</b>  | <b>Three year target (March 2020)</b> |
|---|---------------------------------------|
| Percentage of primary schools graded as good or outstanding in the most recent inspection (not including schools with no inspection score).   | 80%                                   |
| Percentage of secondary schools graded as good or outstanding in the most recent inspection (not including schools with no inspection score). | 75%                                   |
| Proportion of children on a child protection plan that are there for a second or subsequent occasion.   | 23%                                   |
| Number of repeat referrals to children's social care within the last 12 months.   | 83                                    |
| Number of children looked (after at month end)  | 129                                   |

Note: targets to be reviews annually as part of the contract review process

**Core Partnership Inputs: (to be confirmed)**

Hampshire County Council

| <b>Service Area</b>       | <b>FTEs</b> |  |
|---------------------------|-------------|--|
| Strategic Management      |             |  |
| Early Years               |             |  |
| Educational Psychology    |             |  |
| Hantsdirect               |             |  |
| Special Educational Needs |             |  |
| Youth Offending Team      |             |  |
| Fostering & Adoption      |             |  |
| Learning & Development    |             |  |
| Admissions                |             |  |
| Data                      |             |  |
| Complaints                |             |  |
| Administration & Support  |             |  |
| Overheads                 |             |  |

Isle of Wight Council

| <b>Service Area</b>    | <b>FTEs</b> |  |
|------------------------|-------------|--|
| Strategic Management   |             |  |
| Early Years            |             |  |
| Educational Psychology |             |  |
| Hantsdirect            |             |  |

|                           |  |  |
|---------------------------|--|--|
| Special Educational Needs |  |  |
| Youth Offending Team      |  |  |
| Fostering & Adoption      |  |  |
| Learning & Development    |  |  |
| Admissions                |  |  |
| Data                      |  |  |
| Complaints                |  |  |
| Administration & Support  |  |  |
| Overheads                 |  |  |

### Other Partnership Inputs:

To be at the direction of the Director of Children's Services, charged in accordance with the payment schedule, provided that they are within the Isle of Wight Council's budget and policy framework.

Staffing: (average number of days per week in a 12 month period)

Strategic Management:

| Post   |               | Days |
|--|---------------|------|
| Director of Children's Services                    | Steve Crocker | 1    |
| Assistant Director – Children & Families           | Stuart Ashley | 1    |
| Assistant Director Access, Performance & Resources | Felicity Roe  | 1    |
| Assistant Director – Education & Inclusion         | Brian Pope    | 1    |
| Administration Support                             |               | 0.5  |

Early Years

| Post |  | Days |
|------|--|------|
|      |  |      |
|      |  |      |

Educational Psychology

| Post |  | Days |
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Hantsdirect

| Post |  | Days |
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Special Educational Needs

| Post |  | Days |
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Youth Offending Team

| Post |  | Days |
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