



## Report of Cabinet Member for Education and Learning

Cabinet – 18 July 2024

### Proposed New Model for Specialist Teaching Facilities (STFs) Across Swansea

<b>Purpose:</b>	To seek approval to consult on the redesignation of 25 STFs, change of specialism in 3 STFs, the opening of 5 new STFs, the expansion of 3 STFs and the closure of 5 STFs in schools in Swansea with a phased implementation commencing in September 2025.
<b>Policy Framework:</b>	Corporate Priorities: Improving education and skills
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) Approval is given to consult on: <ul style="list-style-type: none"><li>- the redesignation of 25 STFs</li><li>- the change of specialism of 3 STFs</li><li>- the opening of 5 new STFs</li><li>- the expansion of 3 STFs</li><li>- the closure of 5 STFs in schools in Swansea with a phased implementation commencing in September 2025.</li></ul>
	2) Cabinet considers responses following the consultation.
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#### 1. Introduction

1.1 Swansea has a strong track record of meeting a wide range of Additional Learning Needs (ALN). However, the needs of learners are changing and the

numbers of learners requiring specialist support are increasing. Data analysis indicates this increase will continue. In addition, the introduction of the Additional Learning Needs and Educational Tribunal (Wales) Act (ALNET) 2018 places a requirement on local authorities to keep their provision for ALN under review and requires schools to respond differently to children and young people with ALN.

- 1.2 The expectation of ALNET 2018 is that most learners will be educated locally with support being offered at school level with a range of strategies designed to support the needs of the individual learner. Schools in Swansea are inclusive and responsive to support children with ALN. The local authority has a role in ensuring this inclusive approach is consistent across all schools.

## **2. Current position**

- 2.1 Most pupils with ALN in Swansea are educated in mainstream schools. However, there are approximately 600 pupils who have more severe and complex ALN and require a specialist setting for their learning and well-being needs to be met.
- 2.2 Specialised settings are referred to as Special Teaching Facilities (STFs) in Swansea. We currently have 38 STFs hosted by 31 schools in Swansea, these are detailed in Appendix A.
- 2.3 Each STF has a designated number of ‘planned places’ which refers to the number of pupils that each STF can cater for. Schools are funded for hosting an STF primarily based on the number of planned places. The Local Authority review planned places on an annual basis as per their obligation under the ALNET Act 2018. It is important to note that the proposals within this report do not relate to the number of planned places per school for existing STFs as these will continue to be reviewed annually.
- 2.4 Additionally, there are currently two special schools in Swansea providing education for a maximum of 250 pupils aged between 3 and 19 years. It is noted that approval has recently been given to formally amalgamate the two special schools from September 2025 and build a new, purpose-built special school with the view to the school being occupied by the newly established special school with 350 planned places in April 2028, this will provide an additional 100 planned places.

## **3. Funding**

- 3.1 STFs are intended to be neutrally funded for the hosting school. Each STF in Swansea has a designated banding (E, F or G) and this is used to calculate staffing ratios for teaching assistants as per the table below:

<b>STF Band</b>	<b>Staff: Pupil ratio</b>
E	1:9
F	1:7
G	1:5

3.2 Each STF class is funded for a full-time teacher (calculated based on actual school average salary) and a grade 5 teaching assistant for 32.5 hours per week. For each planned place allocated to the STF over and above the staff: pupil ratio for the relevant band STF, funding is provided for an additional grade 4 teaching assistant for 22.5 hours per week.

**4. Rationale for change**

4.1 Over the past five years the number of learners with ALN has risen, diving an increasing demand for STF places in Swansea, data indicates this increasing trend is likely to continue and there have also been changes to the type of need requiring provision.

4.2 In order to adhere to the requirements of the ALNET Act 2018, the local authority is required to review and respond to the changing legal requirements. This review highlighted that in Swansea:

- STFs are not always situated in the locality according to learner needs. This can result in learners travelling to different areas of Swansea to access education which means some learners are educated further away from home than their peers and experience increased journey times;
- the designation of primary STFs do not always correlate to the designation of the cluster secondary STF. This means that learners in primary STFs do not always get to transition to secondary school with their peers, or to the school that is the main link school for their primary school;
- the location of STFs are not evenly spread resulting in some areas having too many/too few places than are needed for their local community; and
- improvement on the offer for STF places in Welsh Medium is required.

**5. Redesignation of STFs in Swansea**

5.1 Following a review of current STFs in Swansea, the proposal is to change the designation or specialism of 28 STFs to better meet projected future demands. A full list of STFs proposed to change designation or specialism can be found in Appendix B.

5.2 The redesignation of STFs will predominantly be as follows:

<b>Current Designation</b>	<b>Proposed Redesignation</b>
Moderate to Severe Learning Difficulties (MLD)	Severe Learning Difficulties (SLD)
Autistic Spectrum Disorder (ASD)	Social Communication with Learning Difficulties (SCLD)
Speech and Language	Social Communication with Speech and Language (SC&SL)

5.3 The term Moderate Learning Difficulties does not reflect the profile of learners currently placed in STFs. Most learners in Moderate Learning Difficulty STFs have a Severe Learning Difficulty. Learners with a Moderate Learning

Difficulty should not need a specialist placement, rather, any school should be able to support them via a range of different approaches and strategies. This is in line with the requirements of ALNET Act 2018 and is supported by Swansea Council.

- 5.4 Changing the designation from Moderate Learning Difficulty to Severe Learning Difficulty will better reflect both the profile of the learners currently attending the provision and reflect the future need to provide specialist provision for children and young people with Severe Learning Difficulties. These learners may also have Autism as part of their learning difficulty and so it is still likely that some learners placed in Severe Learning Difficulty STF's will have Autism.
- 5.5 Swansea Council recognise children with Autism have a different way of communicating but not all children with Autism will need an STF. Those who do, will in many cases have difficulties with social communication so we consider "social communication" is a better description. This is the case whether the child has a formal assessment or diagnosis of Autism or not.
- 5.6 Most children and young people with Autism do not need a specialist placement however, they are likely to need their schools to support them differently. Swansea Council have been working with schools to ensure all schools can support children and young people with Autism effectively.
- 5.7 If a child with Autism also has a learning difficulty with significant need, it is likely that a specialist placement will be needed. The social communication STF's are designed for children and young people with a significant level of need.
- 5.8 It is acknowledged that there is a long wait for an Autism assessment, the proposal is to remove the requirement to have a formal assessment or diagnosis as a criterion for entry to an STF and changing the name helps achieve this. The aim is to respond to the needs of children and young people as they arise rather than when they have had a formal assessment.
- 5.9 There are children and young people in Swansea who need support for speech and language. Swansea currently has 5 STF's in that provide this specialism. Whilst the aim is to retain this specialism, the proposal is to redesignate these to Social Communication with Speech and Language. This change is needed to better reflect the profile of learners in the current provision. Most of the learners in our current Speech and Language STF also have a social communication need, the proposal to redesignate to Social Communication with Speech and Language accurately reflects the profile of learners in these STF's.
- 5.10 The proposal to redesignate the STF's will have the following benefits:
  - STF's will better reflect the needs of current and future learners requiring access to STF's;
  - the local authority will have more flexibility in placement decisions;
  - reduced journey times for learners travelling to school;

- consistent approach across all STFs and communities and supports; mapping of provision according to need; and
- inclusive approach promoted.

## **6. Mapping of places**

- 6.1 It is important that Swansea has the right number of STF places in the right areas and these proposals seek to address this by closing a small number of STFs, extending 3 current STFs and opening 5 new STFs in a different school to ensure places are more evenly spread across Swansea. By doing this, it is proposed to have more, slightly smaller STFs with a more even mix of learners in attendance.
- 6.2 A full list of proposed closures/extensions/additional STFs can be found in Appendix C.
- 6.3 The net effect of opening the 5 new STFs, extending 3 existing STFs and the closure of 5 STFs will see an increase of 61 planned places in Swansea.
- 6.4 Proposed changes to STFs would be implemented in a phased approach commencing in September 2025. Current pupils would not be affected by the proposals and would remain in existing settings until the end of their educational phase.
- 6.5 The proposal to redistribute places throughout Swansea will have the following benefits:
- consistent, localised community offers which allow for continuity of learning;
  - learners are at the centre of planning and provision;
  - new model will have increased focus on expertise of staff;
  - better use of resources as places more evenly spread; and
  - reduced travel time for learners.
- 6.6 Approval is being sought on a proposal to consult on the redesignation of 25 STFs, change of specialism in 3 STFs, the opening of 5 new STFs, the expansion of 3 STFs and the closure of 5 STFs in schools in Swansea with a phased implementation commencing in September 2025. If this report is approved by Cabinet, a statutory consultation will take place.

## **7. Integrated Assessment Implications**

The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.

- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 7.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 7.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 7.3 An IIA (Appendix D) has been produced and if Cabinet approval is received to consult, the IIA report will form part of the consultation papers. The IIA will be reviewed and updated following the consultation.

The impact of the scheme on the Children and Young People (0-18), Other Age Group and Disability will be positive in ensuring learners with additional learning needs that cannot be met in the mainstream, and who need a Special Teaching Facility can access local and flexible support to meet their needs in Swansea.

- 7.4 A Community Impact Assessment has been undertaken and will form part of the consultation papers.
- 7.5 A Welsh-medium Impact Assessment has been completed and will form part of the consultation papers.
- 7.6 Swansea Council acts in accordance with the Well-being of Future Generations (Wales) Act in all that it does. Sustainable development has been a central organising principle since 2012 and each year the council aims to further embed and build on sustainable practice. An assessment against the Act will be included in the consultation papers, should this report be approved.
- 7.7 If this report is approved by Cabinet, a statutory consultation will take place.
- 7.8 Due regard should be paid to the United Nations Convention on the Rights of the Child at all times when developing proposals, and particularly in relation to proposals which directly impact upon young people.

## **8. Financial Implications**

### Capital

- 8.1 No capital funding is being sought for the proposals; any capital works required to facilitate the STFs will be funded from Welsh Government capital grant.
- 8.2 Welsh Government have allocated Swansea £1,451,916 ALN Capital Grant for FY2024-2025. This funding will primarily be used to support projects from this proposal that require capital investment to optimise learner environments for those with ALN to promote inclusivity.

### Revenue

- 8.3 Schools are funded from an overall delegated budget – The Individual Schools Budget (ISB). There is a funding formula that allocates a budget share to each individual school from the ISB. STFs are intended to be neutrally funded and are included within the individual school's budget share.
- 8.4 Due to the overall increase of planned places there is expected to be an estimated increase of £1,045,347 for the cost of STFs in Swansea, this will be funded from within the overall schools delegated budget i.e. top slicing of schools delegated budget. Full financial costing can be found at Appendix E.
- 8.5 There is a long-established principle of top slicing from delegated budget, the STF proposals are otherwise financially supportable given the clear rationale for change, increasing STF support, compliance with ALNET and responding to evidence need. If proposals proceed, Cabinet and ultimately Council, when setting the transition FY2025-2026 budget and future base budgets, may wish to consider the evidenced need for STF provision which is essentially unfunded if a top slice approach is taken without additional input to the base delegated budget.
- 8.6 It should be noted that in the current financial year, delegated budgets have been boosted by nearly £11m and due to the one-off nature of this additional funding, the delegated budget is expected to decrease materially in planning assumptions for FY2025-2026. Cabinet and Council will have the opportunity to reconsider the total base budget for all areas, including schools, as part of the FY2025-2026 budget setting round. It should also be recognised that not proceeding with STF proposals, would likely see increased costs for the Council and so enhanced funding requirements will be needed to reflect the increasing demand and statutory obligations.
- 8.7 There can be some transitional and implementation costs with school organisation proposals. It is expected that home to school transport costs are likely to increase while the new model is being phased in but will reduce longer term as pupils access a more localised offer. Home to School Transport budgets have historically overspent in recent financial years and a contingency base sum is being held nominally in centrally retained inflation provision to fund increased costs pending a potential transfer of function to, and virement of, budget from Education to Place Directorate.

8.8 There can be some transitional and implementation costs with school organisation proposals. It is expected that home to school transport costs are likely to increase while the new model is being phased in but will reduce longer term as pupils access a more localised offer. Costs will be funded from Home to School Transport budgets within the Place Directorate.

## **9. Legal Implications**

- 9.1 The City and County of Swansea adopted in July 2012 an Inclusion Policy and an Inclusion Strategy. These documents provide key principles and strategic priorities which as current policy should be considered throughout the process of identifying and establishing increased education provision of any type.
- 9.2 The establishment or discontinuance of provision which is recognised by the Local Authority as reserved for children with special education needs, including STFs, constitutes a Regulated Alteration which requires consultation and the publication of statutory notices in accordance with s42 and Schedule 2, Paragraph 15 (1) and 15 (2) of the School Standards and Organisation (Wales) Act 2013 (“the Act”) and the Welsh Government’s School Organisation Code (Circular 011/2018) (the Code).
- 9.3 The Code includes statutory guidance to which the Local Authority must have regard and sets out the policy context, general principles and factors that should be taken into account by those bringing forward proposals to reconfigure school provision and by those responsible for determining proposals.
- 9.4 Additional considerations are applicable when Additional Learning Needs (ALN) provision is being considered:

### Standards of provision

In addition to the usual considerations in relation to standards of provision, relevant bodies should consider:

- whether proposals will improve standards of accommodation for pupils with ALN, including building accessibility;
- how proposals will address any health, safety and welfare issues;
- how proposals, where appropriate, will support increased inclusion;
- the impact of proposals on other ALN provision within the immediate and wider local authority area including out of county where appropriate;
- need for places and the impact on accessibility of schools;
- whether there is a need for a particular type of ALN provision in the area;
- where there is a surplus ALN provision in the area;
- whether ALN provision would be more effective or efficient if regional provision were made; and
- the impact of proposals on the transportation of learners with ALN.

### Other factors

Relevant bodies should consider:



- how changes to ALN provision in schools are likely to impact on all other services provided in an area for pupils with disabilities and/or ALN.

9.5 Before publishing any proposals the local authority (Proposer/s) is under a duty, by virtue of s48 of the Act, to consult on such proposals. The Code states that:

- At the start of the consultation period Proposers must provide the consultees listed in the Code with a detailed consultation document following the requirements listed in the Code and give them at least 42 days in which to respond, with at least 20 of these being school days.
- Consultation comments must be collated and summarised by Proposers. This summary together with the responses to the comments must be published in a consultation report within three months of the end of the consultation period.
- A decision must be made by Proposers whether to proceed with changes within 6 months of the end of the consultation period.
- If a decision is made to proceed, a Statutory Notice is published providing a 28-day notice period for objections. The notice must be published on a school day and with 15 school days (not including the day of publication) in the notice period.
- If objections are received, an objection report must be published providing a summary of the objections with responses to them before the end of 7 days beginning with the day of the Proposers determination of the proposals.
- The Proposer must determine under s53 whether the proposals are to be implemented. Proposals must receive final determination within 16 weeks of the end of the objection period. Local determination is a requirement of the School Organisation Code, and The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2013 allow for this local determination. The Welsh Ministers and Governing Bodies are to be notified of the decision within 7 days of the decision.
- If the Proposer determines to implement proposals, they should be implemented in accordance with the date given in the Statutory Notice, or any subsequent modified date.

9.6 Failure to comply with the statutory consultation requirements in the Act and Code will leave the Authority open to Judicial Review and the decision could be quashed by the Courts.

Case law has established that the consultation process should:

- be undertaken when proposals are still at a formative stage;
- include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
- provide adequate time for consideration and response; and
- ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.

**Background Papers:**

Welsh Government School Organisation Code

**Appendices:**

Appendix A - Current STFs in Swansea Council

Appendix B - Proposed redesignation/specialism of STFs

Appendix C - Proposed new and closure of STFs

Appendix D - IIA

Appendix E - Financial Implications