



## Report of the Cabinet Member for Education Improvement, Learning and Skills

To the Schools Scrutiny Performance Panel – 19 December 2019

### Integrated Additional Learning Needs (ALN) Strategy Progress and Plans

<b>Purpose:</b>	To update the Schools Scrutiny Performance Panel on progress made on the ALN Strategy and to present the revised strategy and implementation plan
<b>Content:</b>	A briefing/update reviewing progress over the 2018 to 2019 academic year, current context including projected pressures and revised plans to mitigate the pressures.
<b>Councillors are being asked to:</b>	Consider the information provided and to forward views to the Cabinet Member via a letter from the Panel Convener
<b>Lead Councillor:</b>	Councillor Jennifer Raynor, Cabinet Member for Education Improvement, Learning & Skills
<b>Lead Officer &amp; Report Author:</b>	Mark Sheridan, head of Vulnerable Learner Service Tel: 01792 636094 E-mail: mark.sheridan@swansea.gov.uk

#### 1. Background

- 1.1 The local authority is facing unprecedented change in the area of ALN following the introduction of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET Act 2018). In response to this Welsh Government created five ALN Transformation Lead posts to work with the four regions and the further education sector to support and challenge LAs preparations for the implementation of the ALNET Act 2018 in September 2021. This deadline was extended following consultation around the mandatory code that Welsh Government were under a duty to produce to support responsible bodies in their lawful implementation of the ALNET Act 2018.
- 1.2 Swansea has engaged well at a regional level with the five other authorities in the south west region that cover the same footprint as ERW and the ALN Transformation Lead. We have developed an ALN Strategy and Implementation Plan and created an ALN Strategy Steering Group of key stakeholders including parent/carers to oversee the implementation of the

Strategy. The following briefing paper reviews the progress made over the academic year 2018 to 2019, raises key issues for consideration by the authority that have been presented to Corporate Management Team (CMT) and presents in broad terms a revised Integrated ALN Strategy and Plan 2019 – 2023 that sets out the work to be carried out under six key themes.

- 1.3 The Strategy describes the range of interconnected projects required to ensure Swansea is able to implement the ALNET Act 2018 lawfully, identifying needs early and having a range of provision between the key agencies of Education, Social Services and Health to meet those needs in a timely fashion.

## **2. Briefing/Main body of report**

- 2.1 The Integrated ALN Strategy and Implementation Plan 2018 – 2021 was reviewed in July 2018 with the ALN Strategy Steering Group. Progress was considered under the seven themes, which related to the regional implementation plan.
- 2.2 Good progress was made under the Awareness Raising theme with the creation of the Strategy Steering Group, regional working, planning and delivering awareness raising activity, completion of the LA and school readiness self-evaluation and the creation of a website which went live this term. There continue to be concerns about the wider stakeholder awareness of the changes particularly in health and Social Services although health has now appointed an Interim Lead to head that work.
- 2.3 Mixed progress has been made with regard to workforce development. Completion of the school readiness surveys has provided good mapping information and there have been some good training opportunities provided particularly around the legal implications of the new Act. However, delays in information around the national training being developed by Welsh Government particularly for ALN Co-ordinators (ALNCos) as well as identifying key individuals in health have hampered further progress. With the appointment of an Interim Lead in health and a future successful appointment to the new Designated Education Clinical Lead Officer (DECLO) progress with regard to integrated working should improve. Good progress has been made in working with education improvement staff and incorporating discussion about ALN into the core visits of challenge advisors. Specialist training and support has been provided in the area of complex needs and autistic spectrum disorder.
- 2.4 Under the theme of Person Centred Practice and Individual Development Planning there has been mixed progress. The LA has provided training and proformas to enable schools to carry out reviews using person centred tools but there is further work need to embed this approach into the culture and ethos of schools and other providers. At a regional level progress has been made in the development of a regional IDP format that covers the statutory headings set out in the ALNET Act 2018. There are though concerns regarding the capacity of the team to manage the conversion from Statements of Special Educational Need to LA maintained Individual Development Plans (IDPs).

- 2.5 Good progress has been made in understanding the range of early years settings and providers and work has started on the integration of these services under the Pathfinder programme initiated by Welsh Government. Commissioning reviews of the Flying Start settings, contracts with health and the Family Centres have commenced under the governance of the People Commissioning Group and Getting it Right for Every Child (GREC) work stream. This work should lead to a more efficient use of core and grant funded resources to identify and meet the needs of learners in the early years. Health is also actively involved in this work through Public Health.
- 2.6 The LA continues to have significant concerns regarding the extending of the age range from 19 to 25 without good integrated working between the colleges, health, Social Services, youth offending, Education, employers and training providers. However, there is good communication between the authority and Gower College Swansea and their new ALNCo. Further work needs to be done with the college to develop their offer for learners with ALN to incorporate those learners with more complex needs. We also need to be working with youth offending and adult services to ensure there is a good offer of support to enable independent living and employment rather than continuing reliance on educational placement to 25.
- 2.7 Early dispute resolution and parent partnership are seen as a key to avoid escalating needs, provision and therefore costs. The local authority has awarded the contract for the development of these process to SNAP Cymru following a tendering process and we anticipate good progress over the next year. Furthermore the parent partnership website for Swansea has now gone live and we are engaging with parents and carers through the Parent/Carer forum to further develop this offer. The LA has also created two Family Liaison posts which have made a significant impact on the number of tribunals being lodged along with the work of the team in meeting face to face with parents. However this work is time consuming and rises capacity issues going forward.
- 2.8 The authority now has a better understanding of the impact of the new ALNET Act and the draft Code has pointed to the likely statutory obligations of the LA. Staff have also been mapping demand and volume of work over the past four years. In summary these show:
- Increase in the number and proportion of learners with a Statement of Special Educational Need due to a reduction in year 11 leavers.
  - Creation of 62 new specialist places in both specialist teaching facilities (STFs) based in mainstream schools and special school places.
  - All 62 new specialist places are filled with further demand projected over the short and medium term particularly for learners with autistic spectrum disorder (ASD) and severe and complex needs.
  - Increase in demand for independent and out of county specialist placements.
  - Increase in the numbers and proportion of learners who are electively home educated but who have ALN and a Statement of SEN.
  - Reduction in Tribunal appeals from a high in 2016 – 2017.
  - Reduction in pre-school referrals since 2016.
  - Reduction in referrals for statutory assessment but numbers of referrals started remains level.

- Failure to meet statutory deadlines as set out in the current Corporate performance measures.
- Increase in legal advocates threatening judicial review with regard to statutory deadlines or Tribunal appeal with regard to placement (3 threats of judicial review since 1 September 2019).
- Increasing demands for speech and occupational therapy and applied behavioural therapy.
- Overspend on the central teaching assistant budget for specialist teaching facilities (STFs) due to the complexity of learners needs exceeding the planned budget of the STFs.
- Overspend on the budget for independent or out of county placements due to demand for specialist placements, in particular for learners with autism.
- Increase in transport costs due to demand and cost pressures, Ombudsman ruling and increase in specialist places.
- Increases in purchased provision and assessment both privately and in SLAs with Health particularly for:
  - speech and language therapy
  - occupational therapy
  - applied behavioural analysis
  - legal advice and counsel
- Increase in the proportion of the resources delegated to schools that is required to meet statutory provision on statements of SEN.
- Decrease in the number of amendments of Statements completed within statutory deadline.
- Reduction in resilience and business continuity due to the above factors.

2.8 The new ALNET Act and Code will place mandatory duties on LAs and other responsible bodies such as health boards and Welsh Government ministers with effect from September 2021. In summary, with regard to this paper, the following duties and potential costs have been identified:

- The statutory requirement to designate an Early Years ALN Lead Officer to co-ordinate the delivery of the LAs early years responsibilities to children with ALN from 0 – 3.
- The duty to have in place early dispute and disagreement arrangements.
- The duty to have independent advocacy services in place for children and young people.
- The duty to provide information and advice about ALN, the LA's services and provision for learners with ALN.
- The duty to provide the information, advice and support required to enable children, their parents/carers and young people to participate in decision making about ALN and additional learning provision (ALP).
- The duty to review strategically ALN and ALP for learners aged 0 to 25.
- The duty to provide ALP in the medium of Welsh when requested.
- The duty to have regard to the United Nations Convention on the Rights of the Child (UNCRC) and on the Rights of Persons with Disabilities (UNCRPD)
- The duty to prepare and maintain individual development plans (IDPs) on all children looked after (CLA) with ALN.

- The need to have appropriate legal support when parents/carers and their advocates choose to exercise their right to appeal to the new Education Tribunal
- The requirement to secure appropriate training to raise awareness of the ALNET Act and support person centred practice and review across the authority.
- The duty to assess ALN and decide on ALP within reduced timeframes when requested.
- The requirement to ensure that there are the skills and capacity in the workforce to identify changing ALN and support appropriate ALP.
- Requirement to work in partnership particularly with Health, Social Services and further education institutions (FEIs) to ensure there is a comprehensive local offer to support ALN across the age range.
- The requirement to have in place information on the processes for deciding whether an IDP is maintained by the school or FEI or maintained by the LA.

2.9 Welsh Government has also sought to put in place regional plans to support the transformation of LA services in time for the implementation of the ALNET Act 2018 in September 2021. Swansea LA has worked with LA leads and the ALN Transformation Lead for the region to develop and implement a regional strategic plan as well as drafting a revised local three year Integrated ALN Strategic Plan 2019 - 2023 (Appendix 1). Significant work streams have been identified with regard to:

- Transition
- Capacity
- Provision
- Partnership
- Quality
- Assessment

2.10 Swansea has agreed to lead the region on the co-ordination of the work force development work stream although there is a requirement to engage with all other work streams.

2.11 Included in the work above the LA is keen to progress the development of a new special school provision for learners with severe to profound and multiple learning difficulties and those with complex and challenging needs associated with autistic spectrum disorder with high symptomatology.

2.12 The Directorate is carrying out an independent peer review of statutory processes and the Strategy indicates the need for a review of specialist services to ensure the LA is able to access timely quality assessment and advice.

2.13 The Directorate is also looking to review the number and range of specialist teaching facilities (STFs) in line with changes in demand for provision.

### **3. Conclusions/Key Points Summary**

- 3.1 Swansea has made good initial progress in raising awareness and starting work with other agencies and the region to develop an integrated local offer that will meet the needs of learners with ALN across the 0 to 25 age range. A revised strategy has now been drafted which sets out in more detail the range of key projects that are needed to meet Swansea's vision for learners with ALN so that they can lead as dignified and independent life as possible in their local community and within a family setting with access to education, training and employment opportunities.
- 3.2 However, the range of work is broad and there are concerns about the capacity within Education to deliver such a large plan. Therefore, presentations have been made to Corporate Management Team (CMT) to emphasise a joined up approach and to bolster the capacity of the Education team to deliver all the projects set out in the plan.

### **4. Legal Implications**

- 4.1 The LA has statutory duties under the Education Act 1996, SEN Code of Practice for Wales 2002, ALNET Act 2018 and mandatory ALN Code (to be published).

### **5. Financial Implications**

- 5.1 A proposed staffing structure has been presented to CMT with a cost implication of £215,000 with the revised strategy to mitigate estimated cost pressures from £6.4 million down to £2.9 million.

### **Appendices:**

Appendix 1: Revised Integrated ALN Strategy and Implementation Plan 2019 – 2023

## Appendix 1



ALN Strategy Vision & Ethos.pdf



ALN Strategy 2019 - 2022.2pdf.pdf