

# Education & Children Scrutiny Committee Task & Finish 2019/20

## Additional Learning Needs Funding

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## Background and National changes in legislation

The definition of “additional learning needs” as provided in the Additional Learning Needs and Education Tribunal (Wales) Act 2018 is:

(1) A person has additional learning needs if he or she has a learning difficulty or disability which calls for additional learning provision.

(2) A child of compulsory provider age or person over that age has a learning difficulty or disability if he or she—

- (a) has a significantly greater difficulty in learning than the majority of others of the same age, or
- (b) has a disability which prevents or hinders him or her from making use of facilities for education or training of a kind generally provided for others of the same age in mainstream maintained providers or mainstream institutions in the further education sector

ALN education is being transformed in Wales, following the Additional Learning Needs and Education Tribunal (Wales) Act, which became law last year.

A new statutory support system for children and young people with ALN is due to come into force in Autumn 2021. The Act will be supported by regulations and a new ALN Code.

The Act has three overarching aims:

- **A unified legislative framework** to support all children of compulsory school age or below with ALN, and young people with ALN in school or further education (FE) (rather than two separate systems of SEN up to age 16 and Learning Skills Plans for post-16/19, both of which are currently covered by separate legislation);
- **An integrated, collaborative** process of assessment, planning and monitoring which facilitates **early, timely and effective** interventions (including duties on health boards and local authorities to collaborate with each other through a statutory Individual Development Plan for each learner with ALN);
- A **fair and transparent system** for providing information and advice, and for resolving concerns and appeals (including requiring local authorities to make arrangements for avoiding and resolving disagreements, revising a system found by previous reviews to be ‘complex, bewildering and adversarial’)

## ALN in Carmarthenshire – undertaking a review

The Education and Children’s Services Scrutiny Committee has a key role to play in monitoring services, development of key policies and strategies, as well as identifying areas for improvement or development within their remit.

The financial support for Additional Learning Needs has experienced much pressure and strain for some time due to increasing demands on the current level of resources available.

The Committee was also aware of the key changes being made by the Welsh Government in this area, which will lead to a new way of delivering support to pupils with Additional Learning Needs.

At their meeting on the 4<sup>th</sup> July 2019 the Education and Children Scrutiny Committee agreed to establish a task and finish group to review Additional Learning Needs Funding.

In reviewing the Committee Forward Work Programme, Members identified the purpose of the Education and Children's Services Scrutiny Committee's review. The timely review would look to ensure the implementation of the most effective 'allocation model' in support of Carmarthenshire pupils' needs. The review's work would also seek to further support implementation of the ALN Transformation programme in a strategic, practical and sustainable manner.

## **Overview**

The group convened on five occasions to review the following –

### **31<sup>st</sup> July 2019**

#### **Planning and Scoping**

Members reviewed the current funding models for specialist provision within the authority. Currently, the authority provides funding for a wide range of specialist settings (current costs for staffing this provision approx. £6,222,883) and funds two 'Special Schools' – Ysgol Heol Goffa & Ysgol Rhydygors.

It also provides funding supplements for specific levels of need within mainstream settings which currently focus on:

1. SEN Statements (Primary @ 100% = £2,251,291 / Secondary @ 65% = £2,483,641)
2. An Additional Education Needs supplement based on the following areas of need and formula
  - School Action
  - School Action +
  - SAPA (additional funding for primary schools with less than 100 pupils)
  - Individual Development Plans (IDP) \*within original LA pilot

#### **2018/19 formula**

£1,000 per LAC, balance:

50% Free School Meals, 50% School Action/School Action + /Statementing

#### **2019/20 formula**

£1,000 per LAC, balance:

25% Free Schools Meals, 25% School Action, 50% School Action Plus

The authority provides a Post 16 SEN Supplement to appropriate secondary schools (£372,722) and a wide range of support and guidance for all schools through the ALN & Inclusion Team e.g. Advisory Teachers, Family Liaison Officers, Sensory Impairment Team etc.

### 13<sup>th</sup> September 2019

#### **Pupils educated other than at school**

The group considered a Welsh Government (WG) report on the number of pupils receiving education outside of school funded by Welsh local authorities, and the number of pupils receiving elective home education in Wales. Members noted that there were 97 EOTAS pupils in Carmarthenshire with the majority educated across two settings.

The comparative figures for other local authorities were varied, with a relatively low number in Ceredigion, Ynys Môn and Monmouthshire.

EOTAS pupils are either on a roll at a maintained school or have subsidiary enrolment status at a maintained school. Those with dual registration continue to be supported by the school, and in many cases, it will be expected that the EOTAS pupil returns to mainstream school to continue/complete their education.

**Table 1: Number of pupils educated other than at school, by local authority, 2018/19**

Local Authority	EOTAS pupils whose main education is outside of school and who			EOTAS pupils who	
	are not on roll at a maintained school	have subsidiary enrolment status at a maintained school	Total	have main or current enrolment status at a maintained school	All pupils receiving EOTAS provision
Isle of Anglesey	13	0	13	0	13
Gwynedd	40	0	40	0	40
Conwy	72	0	72	0	72
Denbighshire	87	0	87	58	145
Flintshire	80	41	121	6	127
Wrexham	17	45	62	*	*
Powys	53	6	59	*	*
Ceredigion	*	*	13	12	25
Pembrokeshire	14	109	123	13	136
Carmarthenshire	6	66	72	25	97
Swansea	59	93	152	22	174
Neath Port Talbot	*	*	45	*	*
Bridgend	0	69	69	10	79
The Vale of Glamorgan	37	77	114	23	137
Rhondda Cynon Taf	71	122	193	14	207
Merthyr Tydfil	8	65	73	25	98
Caerphilly	83	30	113	128	241
Blaenau Gwent	*	0	*	0	*
Torfaen	*	0	*	19	*
Monmouthshire	*	*	14	7	21
Newport	88	16	104	49	153
Cardiff	215	10	225	86	311
Wales:					
2018/19	1,027	757	1,784	502	2,286
2017/18	1,008	601	1,609	579	2,188
2016/17	892	510	1,402	570	1,972
2015/16	909	603	1,512	602	2,114
2014/15	909	478	1,387	770	2,157
2013/14	958	267	1,225	1,142	2,367

Sources: EOTAS Pupil Census, Welsh Government  
Pupil Level Annual School Census, Welsh Government

#### **Key points for 2018/19**

<b>2,286</b>	the number of EOTAS pupils, down 3% since 2013/14.
<b>1,784</b>	the number of EOTAS pupils receiving their main education other than at school, up 46% since 2013/14.
<b>78%</b>	the percentage of EOTAS pupils receiving their main education other than at school, up from 52% in 2013/14.

## **Budgeted expenditure on SEN Provision 2019-20**

The group considered a report which outlined current budgeted expenditure and previous year expenditure on SEN provision.

### **Out of county placements**

It was noted that a number of pupils receive support from placements outside of Carmarthenshire – some in other parts of Wales, and others in England. The group reviewed the current out of county provision and the projected future costs. It was noted that the authority was reviewing the out of county placements, and in some instances, the authority believed that the pupil's needs could be met in-county, but that parental consent is required to move pupils from their current 'out of county' settings.

It was also noted that some pupils in specialist settings also benefited from extracurricular opportunities and engagement with their peer groups, which they would not necessarily have in a setting within the county. For example, a pupil attending a specialist setting geared towards deaf pupils participating in specialist adapted activities.

### **22nd October 2019**

#### **Post 16 out of county placements**

Members reviewed a report containing information relating to post-16 specialist placements for learners from the South West and Mid Wales region. Currently, post-16 specialist provision is funded by the Welsh Government, however it was expected that this would transfer to Local Authorities in the future.

#### **Regional ALN Transformation Programme**

Members also received a report on the ALN Transformation Programme, outlined within the background section of this report.

### **25<sup>th</sup> November 2019 and 20<sup>th</sup> January 2020**

#### **Current and New Proposed funding formula**

Members noted that discussions between the Department of Education and Children Services (DECS) and schools had taken place over a number of years in terms of trying to develop the most effective 'allocation model' in support of Carmarthenshire pupils' needs.

Members were presented with the funding formula in operation for 2019/20 and had an opportunity to see how changes to the formula affected schools.

Members were also made aware that discussions had already started between DECS and schools with a view to developing a revised formula in preparation for 2020/21.

Given that work was already being undertaken by DECS in consultation with the School Budget Forum, the group agreed that any further detailed work into the formula would lead to duplication, and would not add value.

Therefore, the group formed the view that agreement on the formula should be between the Department of Education and Children's Services and Schools. Members felt strongly that any changes effecting schools and their budgets in relation to changes to the ALN formula should be comprehensively reviewed by the School Budget Forum.

However, the group agreed that there were principles that should underpin any new formula, and the process involved in applying the formula, and asked that these be relayed to the various groups of officers, head teachers and school budget forum during their discussions:

### **Principles of the Formula and its application**

#### **Clear reasoning behind the formula**

Any new formula funding mechanism needs to support and prepare schools for ALN Transformation that will reform the way in which children with ALN are identified, assessed and supported. Previous categories of ALN - school action, school action plus and statements will cease, and schools will be required to make statutory Additional Learning Provision through Individual Development Plans (IDPs).

For most children in mainstream schools, including those with ALNs and disabilities, money is allocated to them through the school budget and is known as the per pupil funding. This funding supports all learning and is used for staff salaries, including the ALNCO, facilities and ALN resources. A percentage of the total amount of per pupil funding received by a school should be spent on providing for pupils with ALN. In Carmarthenshire, schools are expected to allocate at least 5% of their per pupil funding to their ALN budget. The remainder of the funding formula is allocated through supplements which support the identified categories of spend for which a pupil number funding would not be appropriate. ALN funding is one such supplement.

Members were of the view that any future ALN funding formula should be evidence based, and should reflect the extent of the additional learning needs within each setting.

#### **Tapering effect – gradual change - Consideration is given to the reduction in the number of statements and the effect on transition**

Members noted that schools in Carmarthenshire have historically either been fully or partially funded to meet the needs of children who have an SEN statement.

The new ALN reforms would see a transition away from statements to Individual Development Plans. The group discussed concerns in relation to the impact of the changes

to ALN in relation to the move from Statements to IDPs and the impact this may have on school budgets.

Members felt that any changes to funding arrangements during the transition, particularly with regards to delegating more funding directly to schools, needs to be modelled accurately. It should also be done gradually, via a tapering effect over a number of years, so as to minimise budgetary pressures and shocks to schools.

The impact on small schools was also considered and the group were concerned that there would be a significant negative impact on some smaller schools, from which improvement would not be possible; as such contingency measures should be in place. The group called on DECS and schools to consider innovative ways of working that may reduce pressures on smaller schools, which included the sharing and pooling of resources.

### **Be able to / or consider moving money from Secondary to Primary**

A notional 20% of the population are presumed to have some form of ALN and current increases in the diagnosis of conditions such as Autism will see additional pressure placed on ALN funding. The group considered whether there was some flexibility in moving funding from secondary to primary schools in order to support early intervention. Consideration should be given to a strategy to support early years education with a view to alleviating pressures in the longer term.

### **Comparisons - look at good practice in other authorities**

The group considered an overview of the way and extent to which other authorities delegated school budgets.

Members were informed that there wasn't a consistent approach across the country and the group considered that the ALN Transformation Programme would require all authorities to review their provision and funding parameters.

Wherever possible this Authority should identify and share best practice with other Authorities and try to identify common ground via forums such as the Association of Directors of Education in Wales.

### **Headteachers and schools involved - and Consultation has taken place**

Delegation of ALN funding to schools in Carmarthenshire has been discussed with Headteachers over a number of years to support the requirement for change to ensure we have a system that is fit for purpose.

The group noted that in developing a new funding formula, thorough consultation with Headteachers, ALNCOs, Governing Bodies and the School Budget Forum on any proposed changes was paramount.

## Conclusion

In conclusion, Members acknowledged that the ALN Transformation Programme will require a significant amount of work over a number of years and that the Education and Children's Services Scrutiny Committee would need to consider monitoring the progress of this agenda when developing its Forward Work Programme.

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