

**SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 2 - THURSDAY, 18 OCTOBER 2018**

**MINUTES OF A MEETING OF THE SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 2  
HELD IN COUNCIL CHAMBER - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB  
ON THURSDAY, 18 OCTOBER 2018 AT 10:00**

Present

Councillor CA Green – Chairperson

J Gebbie  
T Thomas

M Jones  
A Williams

AA Pucella

G Thomas

Apologies for Absence

MC Clarke, SK Dendy, MJ Kearns and KL Rowlands

Registered Representatives

Rev Canon Edward Evans  
K Pascoe

Church in Wales  
Secondary Schools Sector

Officers:

Sarah Daniel  
Mark Galvin

Democratic Services Officer - Scrutiny  
Senior Democratic Services Officer - Committees

Invitees:

Councillor Richard Collins  
John Fabes  
Lindsay Harvey  
Michelle Hatcher  
Councillor Charles Smith  
Councillor Carolyn Webster  
Councillor Amanda Williams

Specialist Officer Post 16 Education & Training  
Corporate Director Education and Family Support  
Group Manager - Inclusion  
Cabinet Member for Education and Regeneration  
Chairperson Subject Scrutiny Committee 1  
Vice-Chairperson Audit Committee

55. DECLARATIONS OF INTEREST

Councillor C Webster declared a personal interest in Agenda item 5. as her son has a Statement of SEN. She was also Treasurer of the National Autistic Society in Bridgend.

56. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of Subject Overview and Scrutiny Committee 2 dated 5 September 2018, be approved as a true and accurate record.

57. FORWARD WORK PROGRAMME UPDATE (FWP)

The Scrutiny Officer presented a report on behalf of the Head of Legal and Regulatory Services that gave an update with regard to the relevant Overview and Scrutiny Committee FWP's.

Appendix A to the report contained feedback from the previous meetings of Subject Overview and Scrutiny Committee 2 together with responses to these where appropriate, including any that were outstanding.

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Attached at Appendix B to the report, was the overall FWP for the Subject Overview and Scrutiny Committees, that included the topics prioritised by the Corporate Overview and Scrutiny Committee for the next round of Committees (in Table A), as well as topics that were deemed important for future prioritisation at Table B.

The Scrutiny Officer reminded Members of the Criteria Form which they could use to propose further items for the FWP which the Committee could then consider for prioritisation at a future meeting.

RESOLVED: That the report and supporting information as outlined in the attached Appendices, be noted.

### 58. ADDITIONAL LEARNING NEEDS AND EDUCATIONAL TRIBUNAL (ALNET) ACT 2018

The Corporate Director – Education and Family Support submitted a report to inform the Committee of the developments of the ALNET Act (2018) in Wales and the work undertaken across the region to prepare for the introduction of the Act and how as a local authority we were preparing for it.

The Group Manager Inclusion and School Improvement outlined the main areas of the report, following which the Chairperson invited questions from Members to the Invitees.

A Member felt that more clarity needed to be given in relation to the responsibilities of the Act, such as who was responsible for completing Assessments and how partners would be challenged in the assessment of their work. She further noted that there was an intention to recruit one member of staff to support the work the Act would generate. The Members asked how long an Assessment would take to complete and if the local authority had the capacity to deliver the extra work that would be created under the Act.

The ALN Transformation Lead from the Central South Consortium (CSC) advised that there would be no further children to support under the Act, as they were all identified within the current system being employed. She added that there would be extra expectation put upon local authorities and partners to deliver work required under the Act, however, young people with Special Educational Needs are currently being identified with their differing individual needs being met, and this trend would continue under ALNET. She further added that there were mechanisms in schools to identify children with Additional learning Needs (ALN). She explained that work under the new Act would be more mandatory in some areas than is the case now.

The ALN Transformation Lead from the CSC explained, that new systems proposed to be put in place would allow for improved collaborative working between the Authority with partners and its key agencies/stakeholders. One of the key components of the Act was to address any breakdown between such partners. She noted what one of the Members had said earlier, that there is one lead officer that has been recruited to support extra ALNET work. However, she added there would be a new lead officer recruited in each and every Health Board that supports the local authorities who form part of the Central South Consortia. New policies and procedures to be introduced under the Act, would also allow for improved ownership of the different areas of work that need to be processed in a timely manner.

A Member sought clarification that the Act would continue to support young people with ALN up to the age of 25.

The CSC representative advised that this would be the case. She added that BCBC have also created a transitional programme for individual's post 16 with a view to shadowing children with ALN as they become older and proceed into higher education.

The Cabinet Member Education and Regeneration referred Members to the report's financial implications, and the considerable amount of funding that would support the new ALN proposals, including through the various avenues of Grant Funding, the Consortia and its participating Authorities. He urged Members of the Committee to put pressure on Welsh Government

In future should this be required, to continue funding work required under the new Act.

A Member queried the different streams of grant funding for the ALNET as detailed in the report, which when added up, did not equate to the total of £783k as was specified on page 36 of Appendix 1.

The CSC representative advised that this may be a clerical error, and she would look into this outside of the meeting, and inform the Member accordingly.

A Member noted that considerable investment was required in order to adequately comply with the provisions of the new Act and its major aims and objectives. He further noted that the work required would be strategic, involve a considerable amount of collaborative work with partners, which would require performance management. The transformed system would ensure that all learners with ALN are supported to overcome barriers of learning and achieve their full potential; improve the planning and delivery of support for learners; and finally, focus on the importance of identifying needs early and putting in place timely and effective interventions which are monitored and adapted to ensure they deliver the desired outcomes. He also noted the connection between the Well-being of Future Generations (Wales) Act 2015, and the objectives of the ALNET. He asked officers what changes were at the heart of the service delivery outcomes.

The Group Manager Inclusion and School Improvement advised that the work required under the new Act would reflect a person centred approach that would feed into Supported Individual Development Plans on a wholesale basis. A pilot exercise had been introduced as part of preparation during the last 3 years or so, in certain schools. The new Act would ensure that the voices of children and parents are both heard and appropriately acted upon.

She added that Development Plans would wherever possible replace Statementing, in order to adopt a more personal approach than which currently exists..

Training events would be put in place for schools during the transitional period, with the Head teacher or Deputy Head teacher of schools attending these. The first such session would raise awareness of the Act and the main themes of this, followed by sessions on the ALN Code in order to plan for the conversion of change(s).

A Member referred to page 36 of the report and the allocation of grant funding for ALNET, and he asked under what formula this was based upon.

The ALN Transformation Lead from the CSC advised that this funding was allocated on a regional basis. She added that she would give the formula for this to the Councillor outside of the meeting. Further initial funding had also been allocated to local authorities in order for them to meet the demands of the new legislation. This was applied to all Central South Consortium local authorities, as well as also being looked at on a regional basis.

A Registered Representative noted from the report that there was only reference made to four local authorities comprising the Consortium, when there was actually five.

The representative of CSC confirmed that this was an oversight on her part in formatting the report, and confirmed that the Vale of Glamorgan, as well as the four other local authorities of BCBC, City of Cardiff Council, Merthyr Tydfil and Rhondda Cynon Taf Councils were all part of the Consortium.

A Member noted that the Autism Bill was being reviewed by Welsh Government, and he asked that if this Bill was approved, would this improve data collation, for example confirming how many individuals in Wales are diagnosed with the condition as well as giving more accurate data in respect of people with ALN. He added also that data such as this should be compared at a national level between local authorities.

The Assistant Director, SNAP Cymru advised that collection of data in areas such as ALN was robust, though avenues were continually being looked at to improve this further and this work would continue under the new Act, including not just locally but nationally also.

The ALN Transformation Lead from the CSC added that there were stricter regimes in schools than has previously been the case. For example, it was now mandatory for schools to have Special Educational Needs Co-ordinators (SENCOs), with all teachers also receiving appropriate training in order that they may sufficiently support pupils with ALN.

A Member, following up on a previous question, asked if it was a statutory obligation for local authorities to collect data on people with ALN.

The ALN Transformation Lead from the CSC advised that it wasn't, however, such data collation was undertaken and deemed as a priority under the new Act.

A Member referred to the financial implications and funding proposals, and asked Invitees if this was sufficient, particularly in the continuation of work under the Act, as opposed to the initial work required.

The Corporate Director – Education and Family Support advised that funding work under the new Act would be challenging, though it was proposed to look at increased innovative ways of working collaboratively across each of the local authorities that make-up the Consortia.

A Member noted that Subject O&S Committee 1 had previously considered a report on ALN proposals in September 2017, and that Members of Subject O&S Committee 2 had not had sight of these. It was his belief that some of these recommendations (which were in turn presented to Cabinet), related to the future funding of ALN. He was also aware that there had been a 2.4% cut as part of this year's budget proposals to Special Educational Needs (SEN), so it was very important therefore that grant funding available was optimised to its fullest extent.

The Group Manager Inclusion and School Improvement, whilst being unable to comment on the above, did advise Members that there had been increased support in terms of the provision of support for learners with ALN, at Ysgol Bryn Castell, the Bridge Pupil Referral Unit, as well as extra support being provided at Foundation Phase of pupils being educated. Extra tutoring in literacy and numeracy was also being provided for people with ALN, as well as the opening of a further Resource Centre being proposed.

She added that there would also be increased support in mainstream and special schools for ALN pupils.

A Registered Representative advised that most schools were struggling in terms of their resources, and this was partly evidenced by the number of School Governor vacancies there were at some schools. Despite the earlier contribution from Invitees, most schools were also struggling financially, particularly mainstream schools and the support of children with SEN or ALN. He was of the opinion that in view of dwindling School budgets that local authorities had faced in recent years as part of the recession, which were still ongoing, the ALN changes needed to be fully funded by Welsh Government (WG). He added that although extra support provision had been made available at mainstream schools for pupils with ALN, this was still very short of that which was required.

The Cabinet Member Education and Regeneration confirmed that the Council was doing everything within its power to implement the ALN Bill, and that there was an expectancy of the coming into fruition of this being supported financially by WG

A Member asked if there was a problem associated with recruitment of teaching staff in the medium of Welsh.

The Group Manager Inclusion and School Improvement confirmed that there was difficulty in recruiting staff who were conversant in Welsh in teaching roles.

The Chairperson asked if this was a problem that only existed in Bridgend County Borough or if it extended to other areas.

The Group Manager Inclusion and School Improvement confirmed that this problem existed throughout Wales, but more particularly in South Wales. She added that this was being reviewed with a view to attracting teaching staff who are conversant in the medium of Welsh, including recruiting such staff who also have first-hand experience in supporting people with learning needs.

A Member felt that provisions of the new Act seemed to encourage more mediation with a view to looking to avoid wherever possible tribunals which were costly to the Authority.

The Corporate Director Education and Family Support confirmed that the Authority did look to discourage the holding of tribunals, through looking to meet a young person's needs with the assistance of partner agencies at an early stage.

The Chairperson on behalf of Members, thanked the Invitees for their attendance and responding to Members' questions, following which they retired from the meeting.

### **Conclusions:**

#### **Members recommended:**

- The Committee were concerned that the report indicated that only one additional member of staff is to be employed, members felt that as the implementation won't begin until 2020, that this is something that should be monitored in the future and the Committee recommended receiving regular updates on this.
- Members recommended that if not already done so that the ALN funding is ring-fenced to implement the provisions within the Act, so that it is only used for that stated purpose.
- Members also recommended that this be referred to the BREP panel.

#### **Further Information requested**

Members asked for clarity around the responsibilities under the Act as to who is responsible for completing assessments - what is the legal responsibility of the partners undertaking assessments and what legal redress and means of scrutiny does the authority have if they fail to deliver?

- Members noted that the funding allocations on page 36 did not add up.

That the representative from the Central South Consortium follows this up and gives feedback to Members, as this was believed to be a clerical error.

- Members raised concern whether the ACT would be funded correctly and the potential risk to the implementation of the bill if WG funding isn't transferred to LAs to implement it. The committee agreed to support the cabinet member on this, reiterating the importance of long term funding to be allocated to support the bill.
- Officers have offered to provide a note to the committee on the specific funding allocated for Post 16 ALN provision.
- Members highlighted that whilst the report is detailed; it was littered with strategic terminology and asked what change will those at the heart of this particular service delivery expect to see as part of this legislation. The Corporate Director – Education and Family Support to supply supplementary guidance in respect of the Act.
- In respect of allocation of grant funds, whilst it is accepted that the grant is based on self-evaluation members asked for the formula that WG applied before these grant figures were publicised to be provided.
- Members raised concern that, as anybody up to the age of 25 will be eligible to have an assessment should they request one – What plans were in place for the Authority to cope with the demand?
- Furthermore, whilst members appreciated that some of these young people will be in further education, some will not and concern was raised by members as to who has responsibility for these young people, how is contact going to be made with them and how will they be helped?
- Based on current service delivery, if the service delivery increases there should be flexibility in WG to increase the grant funding. Is this formula, criteria, self-evaluation and self-analysis dynamic in nature so that it can be modified if further demand is identified?
- Members noted that data collection was a non-statutory obligation in respect of ALN and that we would tap into other LAs. Therefore members recommend that it should be noted as an important facet of the methodology that should be used to measure and compare impact.

59. URGENT ITEMS

None.

The meeting closed at 11:39