

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 1 - MONDAY, 12 JULY 2021

**MINUTES OF A MEETING OF THE SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 1
HELD IN REMOTELY - VIA MICROSOFT TEAMS ON MONDAY, 12 JULY 2021 AT 14:30**

Present

Councillor KL Rowlands – Chairperson

TH Beedle
J Gebbie
RME Stirman

JPD Blundell
T Giffard

PA Davies
CA Green

SK Dendy
M Jones

Apologies for Absence

DG Howells, M Hughes, B Sedgebeer and T Thomas

Registered Representatives

Rev Canon Edward Evans
L Morris

Church in Wales
Secondary School Sector

Officers:

Meryl Lawrence
Tracy Watson

Senior Democratic Services Officer - Scrutiny
Scrutiny Officer

Invitees:

Nicola Echanis
Lindsay Harvey
Councillor Charles Smith

Head of Education & Family Support
Corporate Director Education and Family Support
Cabinet Member for Education and Regeneration

29. DECLARATIONS OF INTEREST

Cllr T Beedle declared a personal interest in item 4 because he is Chair of Bridgend Governors Association.

Cllr JP Blundell declared a personal interest in item 4 because he is a Community Governor of Cefn Glas Infants.

30. APPROVAL OF MINUTES

RESOLVED:

That the Minutes of a meeting of the Subject Overview and Scrutiny Committee 1 dated 15 March 2021 be approved as a true and accurate record.

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

The Corporate Director – Education and Family Support began by explaining that he was joined by expert Officers from Learner Support, who would take Members through the report and would be available for any questions. He thanked all school-based colleagues who had joined the meeting for giving up their time for this important meeting. He introduced the Group Manager Learner Support who presented the report.

Following the presentation of the report, Members of the Committee asked the following:

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 1 - MONDAY, 12 JULY 2021

A Member asked what the professionals and practitioners thought could be potential drawbacks, problems and benefits and also asked if funding had been allocated adequately and would be allocated adequately ongoing.

The Additional Learning Needs Co-ordinator (ALNCo), Blaengarw Primary School advised that this was a big period of change and the Authority had been preparing well. It proved challenging on a school level with more questions, and concerns, from parents regarding the decisions as to whether children did or didn't meet the criteria of Additional Learning Needs (ALN), according to the new definition. There was a plan in place to address this and decisions justified having regard to the strict process in place. A lot of responsibility had been put back on class teachers, which required a shift in mind-set. There was a need to look at Individual Development Plans (IDPs) for children that still needed to be monitored, who might previously, been identified as ALN, as they still had needs that had to be met at a school level. There had been huge positives, with collaboration and local authority forums and it was important to make sure that parents had all the information available.

The Additional Learning Needs Co-ordinator (ALNCo), Maesteg School reiterated what had been said, in that it was an absolute positive. Young people would be protected until the age of 25, taking the classification of ALN into the world of work. From a secondary school perspective, it was about making sure the right people understood their role, with pedagogy at the heart of ALN, and the appropriate level of teacher and learning. The cluster had worked on refining referral routes and routes of communication, with support from the Local Authority, to ensure that all schools knew how to get the support they needed. One area of concern was the ALN register could go from over 200, down to 30, with students having been classified as ALN on August 31st no longer meeting the criteria and definition. It was therefore important the right people knew the right information on how to support that learner, so it is a mind-set shift. The guidance was very clear on ensuring teaching staff were aware what the expectations were and how that can be conveyed.

A Member asked if there was any collaborative working outside of the consortia.

The Group Manager Learner Support explained the consortium worked strongly, continuously looking at good practice and had worked collaboratively before the Transformation Plan came into force, for example, on the person centred planning approach. Consortium Members sat on the Transformation Board, with regular contact, as did Officers, working collaboratively as a region, and more recently with Merthyr and RCT and the Health Board footprint, which was a strength.

A Member referred to 4.1, of the report, and asked if there would be any problems trying to get a consistent approach with ALN whilst trying to put in place a bespoke curriculum.

The Group Manager Learner Support suggested that schools might like to come in at this point, as they were involved in both the curriculum reform development and the ALN reform.

The Headteacher, Maesteg School explained that what was planned for the school's inset day was trying to bring together the ALN reform, which was all about pupil centred planning, and the new curriculum reform that focused on the four purposes. There was a need to take away the negative perception of reform. The approach being taken was to focus on wellbeing, with ALN reform and Curriculum reform right at the heart, looking at what was the best quality teaching and learning for the children in the classroom. This enabled staff to concentrate on the nature of the class they had in front of them, which would deliver the best practice for pupils, with regard to ALN reform and curriculum reform.

The Headteacher Llangynwyd Primary School advised that the schools focus was on good quality teaching and learning, as the ALN register was changing and fundamentally, would be about universal coverage in the classroom. It was about focussing on high quality effective teaching and learning that catered for all needs. Done correctly, this dovetailed into the curriculum reform agenda where bespoke curriculums were being designed for each class. As a school, it was about looking at teaching first with good quality differentiation resources enabling all learners to make the appropriate and expected progress.

The Principal Educational Psychologist advised that she had been heavily involved in looking at the definition of ALN to support schools and parents in terms of moving forward with the new reform. The data, including all Wales, regional and national tests, had been looked at in lots of detail and whilst schools were identifying, on average, 23% of their population, as having ALN, but showed a need to be shifting that to around 9% - 10% of the population that had an ALN that required something additional to what was ordinarily available. This linked into the curriculum and the good teaching and learning that was taking place in schools to support learners. There was loads of good quality intervention and provision but it was about looking at how to support learnings in a different identification system, for example, those children that might be a concern, who might need a boost, who might access those interventions, as opposed to a much smaller group of children that required something very different, an additional learning provision, that was not available to the rest of their peers, and so targeting interventions for the children whose ALN were particularly significant. She explained this had been an interesting piece of work, in terms of working with the schools and working with the region because it had made everyone look at the good quality interventions that they had. The interventions and support was still there, but for a much smaller group of children, which was probably right across the board in terms of the normal distribution, and about putting greater input on learning provision around the children with the most needs.

The ALNCo, Maesteg Comprehensive School advised that she supported what the Principal Educational Psychologist had said. With regards to ALN, the Schools approach had been, using different methods of monitoring the learners, which had been firmly recommended by the Authority. The School had its universal provision list of learners that teachers were aware of with needs flagged up in terms of how the teacher could get best meet them. That would be separate from the ALN register, which was something that was significantly smaller because the learning provision that was needed there was very bespoke. This was a change in approach in making sure that all learners were identified and highlighted to the right people.

A Member asked whether the Local Authority was inheriting children from other authorities, which was putting pressure on the Council.

The Principal Educational Psychologist explained that to a certain extent the Local Authority had been a victim of its own success, particularly for the strength of special schools. Although there were weekly requests for places in special schools, the Authority were unable to accommodate broadly, any pupils living out of county, however, families were moving in because of the strength of the schools. Bridgend was supportive and had in recent times, developed lots of provision for children who were care experienced and the facilities for children who came to supported housing in Bridgend, because the homes had been established and set up, but then the education followed this, so access to education was a significant pressure.

The Member asked for an outline of how much this was costing the local authority.

The Group Manager Learner Support replied that the information was not to hand, however could be provided following the meeting.

A Member made a point that was raised by the Principal Educational Psychologist, where she identified that 23% of children would have a need and asked for a further breakdown of the proportion, per area / category of need.

The Principal Educational Psychologist stated that the figure had come from regional data and national data, which would come from the Pupil Level Annual School Census (PLASC), which schools recorded and identified. There would be a range of additional needs including global developmental delay, severe learning difficulties, emotional behaviour and social difficulties, making up the 23%. It was not broken down in terms of the regional data, rather this was the PLASC data for any child recording an additional need. This was a massive shift for professionals under the new reform, looking at the impact of the learning need. Diagnosis of autism or ADHD or a visual impairment itself, would not be classed as an additional learning need. It was about looking at the barriers to learning. In addition, this was a huge challenge for families and the young person, who might not necessarily qualify as having an ALN, although under the Equality Act there may be challenges or a disability. There were children across the local authority with all of the challenges and difficulties that had been outlined, who would not have a barrier to learning because potentially equipment or materials or medication might be supporting them to enable them to learn with their peers. That would not be an ALN. The new code was very different to the previous code of practice in that there was a massive shift around 'what is the barrier to learning', although it was positive because it was about need.

The Sensory Lead reassured Members that numbers remained quite stable throughout and with regards to the reasonable adjustments that were in place, they wouldn't change for young people who were identified with a hearing impairment or visual impairment. This was about removing the barriers to learning and often the service were involved at a very early stage, as soon as the diagnosis was made. The service was there to support the access to learning, so with the implementation of the new ALN, that was not going to affect what was provided to young people with a hearing impairment or visual impairment, who would still have access to the services, which could be access to specialist teachers, access to specialist equipment and training on how to use those and develop those skills.

The Registered Representative, Secondary School Sector noted that 4.2 stated the 'need to increase the ALN provision available to Welsh-medium schools' and asked if Welsh-medium pupils were having the same sort of provision as their English-medium counterparts, as she was concerned if the support was not available parents could be forced to move pupils to English-medium schools. She also asked if there was still only one test for dyslexic Welsh speaking students.

The Group Manager Learner Support explained there had been an increase in looking at Welsh-medium resources and training as a consortium, in respect of the ALN act. A member of staff was heavily involved in that and had started to deliver training at consortia level. Within the Learner Support Service, particularly the ALN teams, there were good qualified Welsh speaking members of staff. In respect of Welsh-medium provision more widely, with ALN, a strategic planning review had been conducted, which was currently in the process of being reviewed. There was a Board in place and sub-committees that fed into that Board, looking at Welsh-medium education, and was part of the Welsh in Education Strategic Plan. For example, it was identified, previously, that there needed to be equity with provision with children who had a diagnosis of autism, that if they were also Welsh speaking that they would be able to continue their education through the medium of Welsh. She noted the learning resource centre for autism for

Welsh speakers at Ysgol Gynradd Calon y Cymoedd and subsequently the Secondary learning resource centre at Ysgol Gyfun Gymraeg Llangynwyd. The Moderate Learning Difficulty (MLD) provision was currently being looked at as to whether there was a need to open learning resource centres in that area.

The ALN Lead Early Years, Cognition & Learning & CMMI noted that in terms of equity of provision, this already existed, but because of the numbers of students there had been in the past, it was more virtual, so rather than it being set in one school, the teacher moved from school to school. In an English-medium school, there were enough children to have a whole class in a year-group, whereas in the 4 Welsh-medium schools, there would be less children, so therefore the provision looked a little different. However, the numbers were now showing that there were enough children to be able to open up an MLD provision in Primary and then looking at evidence to show what would be required at Secondary. With pupils feeding in from 4 Welsh-medium primary schools and 50 English-speaking primary schools, the numbers were always going to be slightly lower in the Welsh sector.

She confirmed that in terms of the MLD for Primary for Welsh speakers, the physical base was planned for September 2022.

In terms of resources, work had started pre Covid-19 particularly on a reading test and was due to be trialled in Cardiff schools as Covid-19 hit, so that wasn't possible. This would now be addressed and there were moves to develop those resources, noting that in the new Act there needed to be that equity of provision.

The Group Manager Learner Support explained that the local authority had always worked in collaboration with Headteachers and it was the model at one point that was agreed that they would rather have, than just one resource centre based in one. Things had moved on and the new model was being looked at along with developing that through to Secondary, to have the continuation of provision.

A Member stated that she was aware that consortiums were not always agreeable to every Council, and could be unstable, highlighting the Education through Regional Working (ERW) alliance. She asked if the Central South Consortia (CSC) was stable and what was the likelihood of putting together a Regional Plan that could not be implemented because of partners not being involved.

The Corporate Director – Education and Family Support acknowledged that the question was important in respect of the relationship with the consortium. He had some understanding of the way the ERW model worked, explaining it was more of an alliance of the local authorities involved. CSC was a different model. It was a business that the local authority subscribed to; an intelligent client function, so in effect, the local authority paid into a service and that service had a set of business objectives within their plan that they needed to deliver on. It was fair to say the feedback from schools, and certainly Officers, was that the service from CSC was providing value for money, not least in terms of ALN but in the wider range of teaching and learning, leadership and support. As far as the local authority was concerned, the service was a very good one.

The Cabinet Member for Education and Regeneration stated there was a stable and ongoing political commitment to the CSC so it was not comparable with what happened with the ERW. Bridgend/the Vale of Glamorgan/Cardiff/ Merthyr and RCT were committed to the Business Plan. There was an excellent permanent secretariat, an excellent Director and Deputy Director, with Members meeting with Welsh Government (WG) on equal terms. When it came to specialised functions, like ALN, the expertise was there.

The ALNCo, Blaengarw Primary School explained that she had not had huge experience of ALN through the consortium, but the workforce development programme they were currently developing had been hugely beneficial. She had completed the middle leadership programme and CSC were currently planning for an ALN Hwb playlist, from September. The CSC ALN Transformational Lead had been very beneficial on a consortia level, so from a school perspective it had been very positive with the consortium.

The Strategic Lead for Equity and Wellbeing, CSC confirmed that they were working in partnership to align the support, marrying up the ALN work, the new curriculum side of things and the whole school approach to mental health and wellbeing, which were big challenges for schools and local authorities. The consortium had been part of the development of the regional guidance and this would sit alongside the consortium's work on equity and excellence which was the strategy looking at teacher learning for all pupils.

The Registered Representative - Church in Wales asked if the local authority had a specific strategic plan for the full implementation of the Act.

The Group Manager Learner Support confirmed that each year there was a Regional Plan and then Bridgend produced its Local Plan. There was a local Bridgend Board and each month the ALN transformation leads attended that Board and gave updates on the progress on the plan. For the coming year, the plans were in draft, awaiting WG approval but there would be a concrete plan in place going forward for September.

The Registered Representative, Secondary School Sector referred to page 27 on priority one, in relation to the Individual Development Plans (IDPs) and stated that it used the phrase 'pre-determined cohort' and asked who was ensuring that pupils outside of the pre-determined cohort were still being given the support that they needed.

The Principal Educational Psychologist explained, in terms of this year, leading up to the implementation of the reform, all local authorities were able to look at pilots to support the implementation of the code. Across the region, there were different priorities and different groups of children that were identified as part of those pilots. At the start of the year the local authority identified, in terms of the highest level of need, pupils in special schools to look at developing some of those pilot IDP's e.g. young people known to the Youth Justice Service at Ysgol Bryn Castell and reception-aged pupils in Heronsbridge Special School. As the year played out, because of the impact of Covid-19 and change in direction from the former Minister for Education, some of the timescales were shifted around the implementation of the Act and the timelines. From September 2021, special schools are excluded from the new strategy code, which focuses on pupils having a school based IDP, rather than a local authority maintained IDP. As part of the rollout with school partners and through the ALNCo forum, pupils were identified who were at key stages of transition, as being a priority group for school based IDPs. In terms of talking about identifying certain groups, this actually cut across the whole of the education system so the priority this term had been looking at the work around the early years IDP's which was a significant challenge and a significant shift. So when it says a pre-determined group there were groups, but those groups actually cut across school maintained IDP's, LA IDP's, special school and mainstream.

The ALN Lead Early Years, Cognition & Learning & CMMI explained that because IDP's were not statutory until Sept 1st, it was about which children were selected. The children that had been selected to start were going into their specialist provision and would be requiring an IDP from September when the new Act takes effect. Equally, because the idea was to pilot it and it was about collaborative working with health colleagues children were selected where there was health involvement, because the pilots were about

everybody working together. It was a little different in the early years settings because they didn't necessarily have the technology that some of the schools might have to involve people and the space. It wasn't just about selecting children and looking at their needs and IDPs it was about how the whole personal centred approach would work in settings with many different people e.g. health involvement, health visitors, etc., in particular, and their involvement in that process.

The Sensory Lead confirmed that links with further education had always been in place for young people who had a sensory impairment and it was about maintaining that they were at the centre of everything being done, thinking about those transition links and ensuring they had a voice as they left one education setting and moved into another. It was also to look at what they might benefit from as they grew through education, what they wanted in terms of equipment, how they would like to be supported, and what information they would like shared about their hearing or visual impairment. It was about working closely with the college but in a more formal way linking it to IDP's and supporting college professionals to ensure that they had a fuller understanding of the needs and voice of young people supported.

A Member referred to a point mentioned by the Principal Educational Psychologist in relation to the Youth Justice Service (YJS) and asked where the local authority was in respect of identifying barriers to learning especially for young people in Young Offender Institutes, as well as those under 25 that were currently in the youth wing of prisons.

The Head of Education and Family Support acknowledged this was an important point. Some of the young people that were involved with the YJS, could be some of the most vulnerable young people that were worked with across the local authority. One of the initiatives was looking at them through the IDP process and ensuring their educational needs were being met when they were in the community. There had been an issue in the past with some young people known to the service, being on quite reduced timetables, however this was now reviewed regularly to ensure those young people were given the number of educational hours they were entitled to. There were very low incarceration rates for children and young people however occasionally a young person committed an offence and entered a custodial institution. Dependent on the institution and their age they would be provided with statutory education within a custodial institution if they were of statutory school age, and that education, was subject to monitoring by external monitoring systems i.e., Estyn, dependant on the institution. In addition, the YJS maintains contact with young people throughout their sentence and post release. There was a plan for each young person, which was followed up with their youth offending/social worker, who monitors their sentence and monitors all of the interventions that they are given throughout their sentence. This included education, but also makes sure their health needs or any mental health needs are met through their sentence planning and their post release planning.

A Member referred to Appendix B Page 43, new governors responsibilities, and explained, as the Chair of Bridgend Governors Association (BGA), concerns had arisen around the ALN readiness audits, what did this entail, how were these going to be conducted and how did this affect the turnover of staff in governing bodies.

The Group Manager Learner Support confirmed that the CSC ALN Transformation Lead had been looking at governor training and that had been on offer to the consortium.

The ALNCo, Blaengarw Primary School explained that she had recently undertaken governing body training for federation schools. She noted the Governing body had some questions about where this put them legally, as it was a delegated responsibility that goes to the school, about whether children were ALN or not and obviously the governing body were trusting ALNCo's in their professional judgement. She understood that there

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 1 - MONDAY, 12 JULY 2021

would be some legal advice for Headteachers and governing bodies regarding the process, although this had been a little delayed. The School had worked hard to keep Governors informed, given the magnitude of the ALN reform, but moving forward there would be a need for this to happen on a more regular basis.

The Corporate Director – Education and Family Support recognised the sterling efforts that the Chair of BGA did to support the local authority in helping with governor training, because the BGA had been a real strength of Bridgend for a few years. Every year the local authority was asked by CSC to identify priorities within the CSC business plan. One of the local authority's key priority and target for the year was to support the recruitment and development of school governors, making sure that key training e.g. ALN reform and curriculum reform and other key items, would be part of that.

The Group Manager Learner Support explained that in relation to local advice the code had come out later than anticipated, so local authority legal team officers had just had legal training in the last couple of weeks, so there would be a plan of action moving forward next year, in order to support schools.

The ALNCo, Maesteg Comprehensive School acknowledged that an interesting point had been made about staff turnover in governing bodies, and it was reassuring to hear that training would be continuous, as governors rolled on and rolled off, otherwise some would not have had the information with regard to the procedure before suddenly becoming accountable for making decisions.

The Headteacher Maesteg School explained she would be uncomfortable, as a Headteacher not to have had some input from the consortium or the Local Education Authority to ensure she was doing the right thing and giving the right message across to Governors. It would be dangerous for individual Headteachers to be responsible for training governors, as that didn't necessarily achieve the consistency that the local authority was aiming for, so she welcomed the training program, particularly regarding the legal advice.

The Member welcomed news that there was legal advice available to Governors, as raised a number of questions.

The Registered Representative - Church in Wales made a plea that any training, either as a local authority or as a consortium, is provided by practitioners rather than theorists.

The Group Manager Learner Support concurred with that. A lot of training had been given to ALNCo's to cascade throughout the schools, so it was important.

A Member asked, in relation to the ALN transformation grant, what proportion of funds was actually coming to Bridgend.

The Group Manager Learner Support explained that she would need to look at that in more detail and come back with that element of the percentage.

A Member stated she had not received an answer to her question, regarding the adequacy or not of the funding.

The Corporate Director – Education and Family Support acknowledged that there were a number of funding streams available from WG with regard to the ALN, innovation and transformation grants split up in multiple different ways. The overall grant would be made available through the consortium and made available to local authorities and schools but also partners in the system as well e.g., Health Board and other partners determined by the grant. As far as the adequacy was concerned to date, there has been

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 1 - MONDAY, 12 JULY 2021

significant funding streams distributed by WG across local authorities in Wales, but going forward obviously the breadths of demand on the service was going to be extensive and certainly for ALNCo colleagues on the ground it was going to be a challenge.

The Member said that her worry with grants was that sometimes that did not lead to sustainability and the old story that eventually the grant is subsumed into the Revenue Support Grant, so nobody could actually find where it is.

The Corporate Director – Education and Family Support acknowledged that this was an inherent challenge within all grants in terms of the sustainability of them. Part of the work the Group Manager Learner Support, and her team were doing, was making sure colleagues in schools were trained to make sure they became experts in this, not just within their own schools but within the self-improving system schools supporting each other, which was a central tenet of CSC's approach as well.

The Registered Representative - Church in Wales queried the money being held by RCT and asked if it was being divided amongst the 5 Authorities that constituted the consortium. If that were so, why was it not the consortium itself that was holding the money, why devolve it to RCT for them in turn to devolve it to the 5 Authorities.

The Corporate Director – Education and Family Support explained that RCT were just the operating partner on behalf of the consortium, so there was no additional funding held by RCT, they just organised it on behalf of the consortium. This was a similar sort of process with HR as well.

The Cabinet Member for Education and Regeneration stated that RCT simply provided the secretariat for the consortium which was purely an administrative function.

The Group Manager Learner Support confirmed that the £93k was held across the 5 Authorities.

Having considered the report on Additional Learning Needs and Educational Tribunal (ALNET) Act 2018, the Committee made the following recommendations:

1. That there is a role for the Governor's Association to ensure consistency of communication responsibilities to Governing Bodies and that another ALN training session be arranged at one of the Governor's Association's next meetings.
2. The need to ensure that Governor Training continues to be provided by professional practitioners, not theorists as it had been beneficial to receive training from experienced ALN practitioners e.g. ALN Coordinators.
3. Concern is expressed regarding the adequacy of the funding streams to meet significant demand and the need for future funding to be sustainable and not be subsumed into the RSG.
4. The deadline for the Welsh Medium ALN Provision for Welsh speakers be monitored by the Committee.
5. The implementation of the Act and the effects of raising the criteria be monitored by the Committee.
6. The Committee requested the following:

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 1 - MONDAY, 12 JULY 2021

- a) Information regarding how the peer review will work and whether the Peer Group would be selected via Central South Consortium or externally.
- b) Information regarding the different ALN categories, the costings for meeting each which will vary widely.
- c) The amount of ALN transformation grant overall and the apportionment of funding allocated to Bridgend.

Information and costings regarding inherited costs, continuous increases and additional pressures from people moving into the area.

32. **FORWARD WORK PROGRAMME UPDATE**

There were no further items identified for consideration on the Forward Work Programme having regard to the selection criteria in paragraph 4.3, and this could be revisited at the next meeting.

There were no requests to include specific information in the item for the next meeting.

RESOLVED:

That the Committee approved the Forward Work Programme in Appendix A, noted that the Forward Work Programme and any updates from the Committee would be reported to the next meeting of COSC and noted the Recommendation Monitoring Action Sheet in Appendix B.

33. **URGENT ITEMS**

None

The meeting closed at 17:25