BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO OVERVIEW AND SCRUTINY COMMITTEE 1

14 SEPTEMBER 2017

REPORT OF THE INTERIM CORPORATE DIRECTOR – EDUCATION AND FAMILY SUPPORT

ADDITIONAL LEARNING NEEDS (ALN) REFORM

1. Purpose of report

- 1.1 The purpose of this report is to inform the Committee of:
 - the developments of the ALN reform in Wales and how as a local authority we are preparing for its introduction;
 - the status of the Additional Learning Needs and Education Tribunal (Wales)
 Bill; and
 - information regarding career pathways for pupils with ALN.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 This report relates to the following Corporate Plan priorities:
 - Supporting a successful economy
 - Helping people to become more self-reliant
 - Smarter use of resources

3. Background

- 3.1 The Additional Learning Needs and Education Tribunal (Wales) Bill was introduced into the National Assembly for Wales on 12 December 2016.
- 3.2 During 2017, the bill has been working its way through the first stage of the process, which is the consultation phase and scrutiny of the general principles of the bill.
- 3.3 The bill makes provision for a new statutory framework for supporting children and young people with additional learning needs. This is to replace existing legislation surrounding special educational needs and the assessment of children and young people with learning difficulties and/or disabilities in post-16 education and training.
- 3.4 The bill also continues the existence of the Special Educational Needs Tribunal for Wales and provides for children, their parents and young people to appeal to it against decisions made in relation to their or their child's additional learning needs, but renames it the Education Tribunal for Wales.

- 3.5 The bill identifies the role of Dedicated Education Clinical Lead Officer (DELCO) in Health, who has a statutory duty to consider if a relevant treatment or service is likely to be of benefit.
- 3.6 The ten aims of the bill are as follows:
 - The introduction of the term 'additional learning needs' (ALN)
 The bill replaces the terms 'special educational needs' (SEN) and 'learning difficulties and/or disabilities' (LDD) with the new term ALN.

• 0 to 25 age range

There will be a single legislative system relating to the support given to children and young people aged between 0 to 25 years who have ALN. This is instead of the two separate systems currently operating to support children and young people of compulsory school age who have SEN; and young people in further education who have LDD.

A unified plan

The bill will create a single statutory plan (the individual development plan) (IDP) to replace the existing variety of statutory and non-statutory SEN or LDD plans for learners in schools and further education.

Increased participation of children and young people

The bill requires that learners' views should always be considered as part of the planning process, along with those of their parents/carers. It is imperative that children and young people see the planning process as something which is done with them rather than to them.

High aspirations and improved outcomes

The emphasis of IDPs will be on making provision that delivers tangible outcomes that contribute in a meaningful way to the child or young person's achievement of their full potential.

A simpler and less adversarial system

The process of producing and revising an IDP should be much simpler than is currently the case with statements of SEN.

Consideration is being given by Welsh Government on how to phase in IDPs for children and young people who have ALN in line with the ALN Reform Bill. These pupils are currently identified as being School Action, School Action Plus of the Code of Practice (2004) or may have a statement of special educational needs. Currently, only 2.7% of children and young people in Wales have a statement of special educational needs, whereas the new system provides a statutory plan for around 22% of learners with an additional learning need aged between 0-25 years. Children and young people who have a statement of special educational needs identifying provision, for example, for ancillary support, should be entitled to the same additional learning provision (ALP) when their statement is converted into an IDP. The review and monitoring of the provision will remain the same.

Increased collaboration

The new system will encourage improved collaboration and information sharing between agencies, which are essential to ensuring that needs are identified early and the right support is put in place to enable children and young people to achieve positive outcomes.

Avoiding disagreements and earlier disagreement resolution
 The new system will focus on ensuring that where disagreements occur about an IDP or the provision it contains, the matter is considered and resolved at the most local level possible.

Clear and consistent rights of appeal

Where disagreements about the contents of an IDP cannot be resolved at the local level, the bill will ensure that children and young people entitled to an IDP (and their parents/carers in the case of those that are under 16 years) will have a right of appeal to a tribunal.

ALN Code

The code will ensure that the new ALN system has a set of clear, legally enforceable parameters within which local authorities and those other organisations responsible for the delivery of services for children and young people with ALN.

- 3.7 Welsh Government has published a suite of materials to help those interested understand the reforms and how they might work in practice. As the bill passes through the legislative process and moves into the implementation phase, more quidance will become available.
- 3.8 Welsh Government has made available two drafts of the Code of Practice. The first was during the consultation on the draft bill in 2015, and the second in February 2017 to aid scrutiny of the bill. The next draft will be the version that is published for consultation, which is expected to happen early in 2018. The consultation responses will be used to make the necessary amendments to the code which will then be published. However, the existing duties within the current SEN code of practice will need to be met until the new system is formally implemented.
- 3.9 In addition to the bill, there is also a wider ALN transformation programme to support the ALN reform. In February 2017, the Minister for Lifelong Learning and Welsh Language published a written ministerial statement announcing £20m investment in ALN to support all partners to successfully implement and deliver the new system. £1.1m of that investment is being provided via the ALN Innovation Fund, which is a pre-legislative grant to support collaborative projects between a wide range of agencies involved in supporting learners with ALN. It aims to support the identification and development of innovative practice which improves systems, arrangements and relationships in readiness for roll-out of the forthcoming legislative changes. The learning from the projects funded by the grant scheme will be shared across Wales and will provide a key opportunity to develop ways of working consistent with the reforms and influence the approach to transformation and implementation.
- 3.10 As part of the wider ALN Transformation Programme there has been a focus upon the workforce development. There is a programme of skills development for education practitioners focused at three levels:

- Core skills development for all practitioners to support a wide range of low complexity, high incidence ALN within settings and access to ongoing professional development. This includes the roll-out of person-centred practice (PCP), which is a central aspect of the new approach, across all education settings. A two year funding grant has been provided to local authorities and further education institutions for developing PCP skills across the workforce.
- Advanced skills development through the development of the role of Additional Learning Needs Coordinators (ALNCo), who will replace current Special Educational Needs Coordinators (SENCos).
- Specialist skills development through a national workforce planning system for local authority-provided specialist support services available to education settings, for example, educational psychologists or teachers of the visually or hearing impaired.
- 3.11 Another strand of the wider ALN transformation programme is focused on policy and guidance to ensure that good practice is supported and embedded in the current special educational needs (SEN) systems as well as the future system. During 2017, Welsh Government has published guidance on:
 - post-16 funding for learners with learning difficulties at specialist colleges;
 - the role of the SENCo;
 - supporting learners with specific learning difficulties; and
 - supporting learners with healthcare needs.
- 3.12 A consultation on options for implementing the ALN Bill closed on 9 June 2017. The responses to the consultation will be analysed and published during autumn 2017 alongside the Welsh Government's response.
- 3.13 Welsh Government has outlined how the bill will affect local authorities.
 - Local authorities will be responsible for learners with ALN from the age of 0 to 25, ensuring they can access suitable education and/or training, including compulsory education and specialist post-16 education or training where necessary.
 - If a child or young person who has an IDP moves to a different local authority in Wales, the responsibility for assessing and identifying provision to support his/her needs transfers to the local authority where he/she resides. In England where legislation is different, the IDP will be converted into an Education and Health Care Plan (EHCP).
 - The process for transferring the IDP from one local authority to another should be similar to that of the existing arrangements for a statement of special educational needs, where there is close liaison between authorities. The ALP should be replicated where possible. However, it is recognised that local arrangements and provision may differ from one local authority to another across Wales and in England. Therefore, the ALP will need to be determined by the local authority where the pupil will be residing. For a young person transitioning from a school to a further education establishment (FEI) the same processes should apply. An ALP should be needs led not service / establishment led. IDPs should always aim to identify the ALP that delivers

- tangible outcomes that contribute in a meaningful way to the child or young person's achievement of their full potential.
- The ALN Code will impose mandatory requirements on local authorities in respect of information and advice services; independent advocacy services; the preparation content, form, review and revision of IDPs ceasing to maintain.
- All children, their parents and young people up to the age of 25 years will have the right to the Education Tribunal against decisions made by a local authority in relation to their ALN or their IDP. Local authorities must provide access to independent advocacy services.
- IDPs will replace the existing variety of statutory and non-statutory plans for learners of compulsory school age and below and those over compulsory school age in school or further education. Local authorities will normally only prepare and maintain an IDP in instances where the child or young person's needs are more severe or complex. Ordinarily IDPs will be the responsibility of the maintained school or further education institution.
- Local authorities must provide children, young people and others with information and advice about ALN and the new system, and ensure that it is accessible for all who need it.
- Arrangements must be made by local authorities for avoiding and resolving disagreements. If disagreements arise, local authorities' arrangements should ensure they are resolved at the earliest opportunity and at the most local level.
- Where a local authority requests help or information from another body in the exercise of any of their ALN functions, that body should comply with the request.

4. Current situation

- 4.1 The bill is currently at stage 2. This stage of the process was reached in June 2017. Stage 2 is an amending stage, and has a greater focus on the detail and specific areas for amendment.
- 4.2 The bill is expected to complete its National Assembly for Wales stages by the end of 2017 with Royal Assent following early in 2018. It is at this point when Welsh Government will shift their focus to the secondary legislation, in particular the new Code of Practice. The ALN Code will replace the current SEN Code of Practice and will inform people of their legal duties, it will be the handbook for the new system.
- 4.3 The aim is to have the complete package of the new law and the ALN Code approved and in place by the end of 2018. From early 2019, there will then be an extensive programme of continuing professional development on the basis of the new code, ahead of roll-out from September 2019. This all assumes no delays to the legislative process for the bill and the consultation and assembly consideration of the secondary legislation runs to time.
- 4.4 Welsh Government has been working closely with partners to refine the approach to transition. An announcement was made in February 2017 that there will be funding for five additional learning needs transformation leads to support the delivery of the programme. These transformation leads will be recruited and will take up post during the 2017-2018 financial year. Four of the transformation leads will operate regionally, on the education consortia footprint, and one of the leads will work as a further education transformation lead on a national basis. These leads will be critical in ensuring that services will be prepared to operate the new additional

learning needs system with regards to Welsh Government's overall implementation strategy. They will be involved in playing a co-ordinating role; oversee training and awareness-raising and play a key part in facilitating improvements in multi-agency working. Another key role will be to raise awareness of the bill as it continues to progress through the National Assembly and they will support local authorities; schools; early years settings and colleges to put plans in place at an early stage of implementation. An important consideration will be also to explore quality assurance frameworks and lines of accountability for local authorities, consortia and schools.

- 4.5 As a local authority, Bridgend has been working in collaboration with the other four local authorities in the Central South Consortium to prepare for the ALN Reform Bill. The first focus area the collaboration focused on was training staff in each of the local authorities around the person centered planning approach and the development of a one page profile which supports the development of the IDP.
- 4.6 The second wave of collaboration has been with regards to the ALN Innovation Fund projects which are currently being developed. The projects are as follows:
 - Project 1- Transition planning between education settings, out of education and into social care and into adult life. The capacity of local post-16 provision with learning difficulties and/or disabilities (LDD).

Bridgend's Inclusion Service has established a local project board to develop a post-16 transition protocol and to audit learners' needs at every transition point. A map and gap analysis has been undertaken with the focus upon what is working well; what changes need to be made; what are the gaps in provision and to reflect upon and update the process map.

 <u>Project 2</u> – The capacity of ALNCOs/SENCOs in providing support to classroom staff, including skills development.

An analysis of need has been undertaken to plan and deliver training for every ALNCo in all Bridgend schools regarding PCP and IDPs. Nine ALNCos have been identified from all schools in Bridgend to continue to roll out training for the other ALNCos with a 'train the trainer' model of approach. This will ensure that ALNCos are fully trained in preparation for the ALN Reform Bill and that the training is sustainable. Training has also been delivered to Bridgend College which supports the developing collaboration surrounding the ALN Reform Bill.

The bill does not specifically name ALNCos as the person responsible for assessing a child or young person at school. A variety of different agencies, professional and individuals have a role in identifying and assessing young people who have an ALN. If a child or young person is identified as having an ALN, which calls for ALP then an IDP should be prepared stating the nature of the ALN and the level of provision to support the needs of the child. A graduated response to need should always be followed by the school staff, considering differentiated teaching and strategies in the first instance.

The ALNCo will specifically be responsible for ensuring that all learners who have an ALN have an IDP. They will not be required to develop every IDP. Any teacher

can be involved in doing that. However, ALNCos will be responsible for overseeing the provision across the educational setting to meet the needs identified in the IDP.

 Project 3 – The capacity of special schools to act as specialist support to mainstream schools and the capacity of local authority-based specialist services to support learners in early years, maintained schools and FEIs.

Ysgol Bryn Castell along with the Behaviour and Wellbeing Team are in the process of upskilling mainstream teachers and staff in schools to manage challenging behaviour. Behaviour champions have been identified in all primary and secondary schools and building capacity within schools will continue.

Heronsbridge Special School delivered a conference with a focus upon upskilling mainstream and observation class teachers to support pupils with complex autism spectrum disorder (ASD) needs, addressing communication, sensory and behavioural issues.

 <u>Project 4</u> – Practice and arrangements for resolving disagreements and avoiding disputes.

The focus of this project is to further embed best practice in disagreement avoidance and resolution across Central South Consortium. Also, to consider a service level agreement for mediation and to ensure sustainability through the development of a train the trainer approach across the region. It should be noted that there will be a cost implication for the mediation service.

- 4.7 To ensure that individual pupils' needs are met and appropriate progress is made pathways are continuing to be strengthened. These pathways involve mainstream schools (ie Ysgol Bryn Castell, Heronsbridge Special School and Bridgend College).
- 4.8 The point of transition into employment for pupils with ALN is an area which needs further development. There is currently consideration being given to develop progression routes to employment for young people with ALN in the form of supported internships. The supported internship progression route is designed to develop the skills of the individual, encourage employers to review their job roles and recruitment practices in order to consider this group of potential workers. The purpose is also to promote self-esteem and worth in the learner and ultimately place them in a job and therefore increasing their chances of independent living and making a contribution to their community. The briefing paper attached at Appendix A outlines the background; purpose and benefits of supported internships. Attached at Appendix B are frequently asked questions regarding supported internships and the executive summary of the nature and purpose of supported internships is attached at Appendix C.
- 5. Effect upon policy framework and procedure rules
- 5.1 There is no effect upon the policy framework or procedure rules.
- 6. Equality Impact Assessment
- 6.1 An initial screening Equality Impact Assessment will be completed and a full screening will be undertaken in due course.

7. Financial implications

- 7.1 Welsh Government has provided funding for local authorities to develop the person centered planning approach. As part of Central South Consortium, Bridgend received £26k over a two-year period to develop this approach with staff within Bridgend. This continues to be embedded as key staff have been trained to cascade the approach in order to provide sustainability.
- 7.2 As part of the transformation programme, Welsh Government has provided funding via the ALN Innovation Fund, which is a pre-legislative grant to support collaborative projects between a wide range of agencies involved in supporting learners with ALN. Bridgend has worked in collaboration with the other four local authorities in the consortium to develop projects to support the transition for the ALN Reform Bill. Each local authority received £50k during 2016-2017 and upon the completion of the projects during 2017-2018 will each receive a further £60k.
- 7.3 There is some uncertainty regarding the cost of implementing the ALN Reform Bill with regards to the extension of the age range from 0-25 and also the possible increase of IDPs and the associated costs.

8. Recommendation

8.1 Overview and Scrutiny Committee is invited to:

note the content of this report in relation to the ALN Reform; and to consider and agree any recommendations the committee may wish to make consistent with its challenge and support role in light of this report.

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Background documents

Additional Learning Needs and Education Tribunal (Wales) Bill timetable. http://www.senedd.assembly.wales/mglssueHistoryHome.aspx?IId=16496

Welsh Government publications

http://gov.wales/topics/educationandskills/schoolshome/additional-learning-special-educational-needs/transformation-programme/awareness-raising/?lang=en

Person-Centered Planning document

(http://learning.gov.wales/resources/browse-all/person-centred-practice-guide/?lang=en).