

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 1

12 JULY 2021

#### REPORT OF THE CORPORATE DIRECTOR EDUCATION AND FAMILY SUPPORT ADDITIONAL LEARNING NEEDS AND EDUCATIONAL TRIBUNAL (ALNET) ACT 2018

#### 1. Purpose of report

1.1 The purpose of this report is 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 implementation of the Act and how as a local authority we are preparing for it.

#### 2. Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

3.1 The Additional Learning Needs and Education Tribunal (Wales) Act 2018 was implemented on 24 January 2018. In addition there are two sets of regulations namely the Additional Learning Needs(Wales) Regulations 2021 and the Education Tribunal (Wales) Regulations 2021. There is also the Additional Learning Needs Code. The Act makes provision for a new statutory framework for supporting children and young people with additional learning needs (ALN) from the age of 0-

25. This is to replace existing legislation surrounding special educational needs (SEN) and the assessment of children and young people with learning and/or disabilities in post-16 education and training. The Act is not yet in force for children over compulsory school age. The Special Education Needs Tribunal (SENTW) which provides for parents/carers to appeal decisions made by the Council about their child's learning needs has been renamed the Education Tribunal for Wales.

- 3.2 The ALN Code and regulations were approved by the Senedd on 23 March 2021. Along with the ALN Act 2018, the Code and regulations will create the statutory ALN system in Wales. The ALN Code provides statutory guidance on the exercise of functions under Part 2 of the 2018 Act and on other matters connected with identifying and meeting ALN.
- 3.3 The ALN system aims to transform the expectations, experiences and outcomes for children and young people with ALN. It places the learners' views, wishes and feelings at the heart of the process of planning the support required to enable them to learn effectively and achieve their full potential.
- 3.4 From September 2021, the ALN system will come into force over a three-year phased implementation period.
- 3.5 Three new statutory ALN co-ordinating roles came into force on 4 January 2021 ahead of the planned introduction of the ALN system in September 2021. The three co-ordinating roles are as follows:
- Additional Learning Needs Co-ordinator (ALNCO). Each school has a named ALNCo. will have responsibility for co-ordinating additional learning provision
  - Designated Education Clinical Lead Officer (DECLO); will have responsibility for co-ordinating the Health Board's functions, who is essentially the Health Board's appointed ALN officer and the
  - Early Years Additional Learning Needs Lead Officer (Early Years ALNLO) who will have responsibility for co-ordinating the authority's functions for children who are under compulsory school age who are not attending maintained schools"
- 3.6 Since 4 September 2018, there has been an Additional Learning Needs and Education Tribunal Wales Act Central South Regional Transformation Plan written and submitted to Welsh Government on an annual basis. The Regional Implementation Plan aligns support to the objectives of the ALNET Act so that local authorities, CSC, schools, Further Education (FE) colleges and local health boards collaborate to transform the expectations, experiences and outcomes for children and young people with ALN.

#### **4. Current situation/proposal**

4.1 The following four high-level regional priorities were detailed in the Additional Learning Needs and Education Tribunal Wales Act Central South Regional ALN Transformation Plan 2020-2021 (Appendix A).

- Ensure that all local authorities develop consistent practices and collaborate effectively with key partners to prepare for the new ways of working.
- Ensure that local authority maintained schools develop consistent approaches to improving practice for learners with ALN that meet the expectations of the Act and are complementary to the wider national education reforms.
- Develop support and provision for post compulsory-aged learners through identifying local and potential regional offers.
- Develop health board preparedness for implementation of the Act

4.2 Bridgend County Borough Council Regional Transformation Plan 2020-2021 (Appendix B) outlines the work undertaken by the local authority in preparation for the implementation of the Act.

- Piloting the roll out of individual development plans (IDPs) on a pre-determined cohort through 0 to 25 including early years, further education and health.
- Development of information technology (IT) infrastructure to support the planned transfer from the old to the new system.
- Embedding and refining the early year's training programme. The Early Years ALNLO was appointed to meet the statutory timeframe of the 4 January 2021.
- Creating guidance on what provision should ordinarily be made available by schools. This is a regional document that is at the final stage of consultation and will be in place for schools for September 2021.
- Provision of advice and guidance for parents/carers on the local authority website about the new way of working and what support they can expect from schools. The local authority web page will be launched towards the beginning of July 2021, which is in conjunction with a regional launch.
- Involving independent parent support services in updating guidance materials. This has been actioned regionally.
- Continuation of professional learning opportunities for ALNCoS that focus on developing skills and expertise to carry out the new statutory duties. There has been a rolling programme of ALN cluster leads' meetings and ALNCo forums.

- Continue to develop strategic links with further education colleges to develop an agreed vision for inclusion and supporting the needs of learners with additional learning needs. Transition guidance has been developed.
- Develop a shared understanding between the health board and Local authorities for supporting identifying and supporting the needs of learners with ALN (0-25). The DECLO was appointed to meet the statutory timeframe of 4 January 2021.
- Local authority legal departments to increase knowledge of the ALNET Act and its implications. This has been done regionally with a training event held in June 2021.
- Develop a regional approach to increase the ALN provision available to Welsh-medium schools. Bridgend County Borough Council is represented in this regional training programme with a member of staff from the Learner Support Service.

4.3 The Additional Learning Needs and Education Tribunal Wales Act Central South Regional Transformation Plan 2021-2022 is awaiting final approval from Welsh Government. The priorities identified in the plan are:

- Through partnership working, develop understanding across agencies of person-centred practice to facilitate collaborative discussion about needs, outcomes and provision with all concerned.
- Develop consistency of practice in the production of high-quality individual development plans (IDPs) and the corresponding arrangements necessary for monitoring and reviewing their impact on learner progress.
- Explore arrangements between the local authority and its delivery partners for keeping under review the quality and sufficiency of additional learning provision to meet the current and future needs of its population of learners with ALN.
- Establish a set of principles that articulate when it would be reasonable for the local authority to secure additional learning provision (ALP).
- Provide consistent and transparent information and advice about the new ALN system and develop an integrated approach to address disputes and disagreements so that they can be avoided or resolved at an early stage.
- Develop processes to support the new way of working and improve management information systems, including IT infrastructure to ensure that both the new ALN arrangements and the old SEN arrangements can co-exist over the implementation period.

## **5. Effect upon policy framework and procedure rules**

5.1 There is no effect upon the policy framework or procedure rules.

## **6. Equality Act 2010 implications**

- 6.1 As this is an information report, an equalities impact assessment is not required at this stage. The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report, therefore it is not necessary to carry out an EIA in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.
- 6.2 The ALNET Act and Code of Practice clearly articulate the Equalities Act (2010) statutory requirements.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 The well-being goals and principles prescribed for within the Well-being of Future Generations Act 2015 connect directly to the objectives of the ALNET Act. The ALNET Act is consistent with the five ways of working as defined within the sustainable development principle and more specifically as follows:

Long-term	The ALNET Act focuses on meeting the needs of children and young people from the age of 0-25.
Prevention	The focus of the ALNET Act is upon early identification of need and ensuring that there is appropriate learning provision in place to meet individual needs.
Integration	The ALNET Act addresses the need for a coherent delivery of economic, social, environmental and cultural outcomes.
Collaboration	A fundamental principal of the ALNET Act focuses on improving collaboration and creating a unified system.
Involvement	Ensuring that children and young people, parents and carers are at the heart of the system and that needs are discussed in a person centered way.

## **8. Financial implications**

- 8.1 In order to support the implementation of this new system, Welsh Government is providing financial assistance through the ALN Transformation Grant. This is the fifth year of the five financial years that the grant will be available. The finance is delegated via a host local authority acting on behalf of the local authorities in the region, using the same footprint as the four regional education consortia. The grant must be used on a regional strategic basis and consideration should be given to regional sustainability beyond the life time of the grant.

- 8.2 Previously, Welsh Government has provided funding for local authorities to develop the person-centered planning (PCP) approach. As part of CSC, Bridgend County Borough Council received £26k over a two-year period to develop this approach with staff within Bridgend County. This continues to be embedded as key staff have been trained to cascade the approach in order to provide sustainability.
- 8.3 The full cost of implementing the Act and phasing it in over three years from September 2021 will be monitored and reviewed. The following financial implications have been identified. Two additional IDP Co-ordinators to support the increase of age range of 0-25, at a cost of £76,590 with oncosts. An ALP Co-ordinator to support the duty upon local authorities of keeping under review the quality and sufficiency of additional learning provision, at a cost of £68,720 with oncosts. A higher-level teaching assistant (HLTA) to support the work of early years at a cost of £24,850 including oncosts. A budget pressures bid will be submitted as part of the MTFs 2022-26 process. If the bid is unsuccessful then any additional costs will have to be met from within the directorate budget or other external funding sources.

## **9. Recommendation(s)**

9.1 The Committee is requested to:

- note the content of this report in relation to the ALNET Act;
- consider and agree any recommendations the committee may wish to make consistent with its challenge and support role in light of this report; and
- consider the progress to date and to be aware of the continued expectations on local authorities and other strategic partners to deliver against the wide-ranging transformation programme.

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**Background documents:**

**Welsh Government Website**  
<https://gov.wales/additional-learning-needs>

