

CYNGOR SIR POWYS COUNTY COUNCIL.

**CABINET EXECUTIVE
3 November 2020**

REPORT AUTHOR: County Councillor Phyl Davies
Portfolio holder for Education

REPORT TITLE: The future of Special Educational Needs/ Additional Learning Needs in Powys Strategy

REPORT FOR: Decision

1. Purpose

1.1 This report requests Cabinet approval to agree and implement a new Future of Special Educational Needs/ Additional Learning Needs in Powys Strategy from October 2020.

1.2 This is required due to:

- Current inadequate / inconsistent SEN/ALN provision
- Findings in the Estyn report and recommendation from the post inspection action plan
- The implementation of Additional Learning Needs and Educational Tribunal (Wales) Act (ALN Act)

1.2 The report is supported by the following appendices:

Appendix A – Future of Special Educational Needs/ Additional Learning Needs in Powys Engagement Document

Appendix B – Future of Special Educational Needs/ Additional Learning Needs in Powys Engagement Feedback Document

Appendix C – Scrutiny Recommendations

Appendix D – Future of Special Educational Needs/ Additional Learning Needs in Powys Strategy

Appendix E – Costs by Activities

2. Background

2.1 There are currently 3545 pupils with special educational needs (SEN)/additional learning needs (ALN) in Powys. Out of these, 2011 pupils are on School Action, 1119 are on School Action Plus and 415 pupils have statements of SEN. 279 pupils attend one of the special schools and 138 attend primary or secondary specialist centres.

2.3 In terms of delegated funding, figures for 2019-20 are as follows:

Table 1: 2020-21 funding for ALN

	Paragraph	Primary	Secondary
Formula led			
ALNCo	3.4	732,740	394,488
Proxy Indicators	3.5	2,154,118	-
Pastoral Support	3.7	-	311,629
15:1 ratio classes	3.8	-	1,870,342
Banding Top Up	3.2	91,428	352,088
Total per sector		2,978,286	2,928,547

2.4 Information on overall and per pupil SEN expenditure can be found in this link:

https://gov.wales/sites/default/files/statistics-and-research/2019-07/budgeted-expenditure-special-educational-needs-sen-provision-april-2019-march-2020-revised_0.pdf

2.5 Additional costs will be the restructure of the ALN team, which has been cut over recent years. Other costs will be very similar e.g. peripatetic pre-school support rather than specialist pre-school centres, satellites for some of the special school pupils, behaviour programmes reducing the need for later intervention. Some savings have been identified e.g. reduction in transport costs.

2.6 How this strategy was arrived at

- Review of SEN/ALN in September 2019 by education consultant, brought in following Estyn inspection
- Commitment made in PIAP to resolve deficiencies in SEN/ALN
- Review of specialist centres in November/December 2019
- Paper setting out the areas in which changes are required, including costs sent to Corporate Transformation in March 2020
- Areas for development approved by Transformation Board as part of the Workstream 4 PID – May 2020
- Vision shared with Improvement and Assurance Board – May 2020
- Vision shared with Scrutiny – June 2020
- Vision shared with Cabinet – June 2020
- Engagement with headteachers through meetings and emails to discuss the way forward in relation to behaviour provision and specialist centres

- Engagement exercise in July 2020 on the vision and areas for transformation
- Summary of the engagement process & results presented to Transformation Board August 2020
- Draft strategy September 2020
- Options appraisal – do nothing / do minimum (bronze) / do medium (silver – this is where the strategy is pitched at the moment) / do maximum (gold std) – against a short list of criteria drawn from vision / aims of strategy e.g.
 - Improves accessibility, equality and consistency of provision
 - Develops inclusive education within mainstream education wherever feasible
 - Supports early identification, intervention & effective transition planning
 - Meets the requirements of the ALN Act
 - Makes the improvements required by Estyn and Welsh Government

2.7 In June 2020, Cabinet agreed to an engagement process on a Future of Special Educational Needs/ Additional Learning Needs in Powys Engagement Document (Appendix A).

Proposed change	Reason for change
<p>Six areas of transformation have been identified:</p> <ul style="list-style-type: none"> • Mainstream • Early Support/Assessment • Specialist provision for pupils of statutory school age with the most complex needs • Specialist Centres • Specialist Behaviour provision • Provision for SEN/ALN learners up to the age of 25. 	<ul style="list-style-type: none"> • Depending on where pupils live, they have access to a different quality and type of provision • Some pupils have to travel long distances to reach a provision that meets their needs • Access to provision through the medium of Welsh is inconsistent • Currently, not all pupils are educated in the setting that meets their needs best • Mainstream schools do not all have the facilities or expertise required to support pupils with a wide range of learning need

- 2.8 The engagement period started on the 24th June 2020 and ended on the 22th July 2020. A questionnaire was prepared which asked respondents for their views on the Future of Special Educational Needs/ Additional Learning Needs in Powys Engagement Document. This questionnaire was available online on the Council's website throughout the engagement period.
- 2.9 As well as responding via the questionnaire, respondents could submit written responses, either by e-mail or by post.
- 2.10 The engagement was publicised via social media and the Council's webpage, as well as direct targeting to all schools for dissemination to parents, pupils, governors and staff. It was also circulated to our partners in PThB and NPTC
- 2.11 A total of 82 individuals completed the engagement questionnaire in English and 4 in Welsh
- 2.12 Ten written responses were received to the engagement exercise.
- 2.13 An Engagement Feedback Report has been drafted – this can be found in Appendix B – but the following summarises the quantitative responses.

Question	Agree / strongly agree	Neither agree nor disagree	Disagree or strongly disagree
1. To what extent do you agree with the draft vision for SEN/ALN in Powys?	88%	7%	5%
2. To what extent they agree with the main issues identified relating to SEN/ALN provision in Powys	77%	14%	9%
3. To what extent do you agree with these as the 6 main areas that Powys County Council has identified for transformation	92%	6%	2%
4. To what extent do you agree with the ideas set out under Area of Transformation 1: Mainstream?	83%	13%	4%
5. To what extent do you agree with the ideas set out under Area of Transformation 2: Early Support/Assessment	79%	13%	8%

6. To what extent do you agree with the ideas set out under Area of Transformation 3: Specialist provision for pupils of statutory school age with the most complex needs	83%	12%	5%
7. To what extent do you agree with the ideas set out under Area of Transformation 4: Specialist Centres	78%	16%	6%
8. To what extent do you agree with the ideas set out under Area of Transformation 5: Specialist provision for pupils with behavioural, emotional and social difficulties (BESD)	78%	17%	5%
9. To what extent do you agree with the ideas set out under Area of Transformation 6: Provision for SEN/ALN learners up to the age of 25	83%	14%	3%

3 Advice

3.1 The comments received in response to the engagement report (Appendix B) were taken into consideration when developing the Future of Special Educational Needs / Additional Learning Needs in Powys Strategy (Appendix D)

3.2 Consequences of not taking action

- Failure to meet the needs of pupils with SEN/ALN in Powys
- Increase in out of county placements due to lack of space at special schools
- Increase in tribunals due to lack of appropriate provision or specialist support
- Further criticism from Estyn due to inadequate progress made against recommendations
- Failure to meet statutory duties under Additional Learning Needs and Educational Tribunal (Wales) Act (ALN Act)
- Potential for authority to have control of its education services taken away

4. Resource Implications

4.1 The Council's current budget includes a total of £4.6 million for SEN / ALN provision and pupil inclusion. Of this, £2 million relates to the existing staffing structure. Table 4.1 sets out the overall additional estimated costs to deliver the proposed ALN strategy. Appendix E confirms the detail of additional costs and cost savings projected over the next three years.

Table 4.1

	Year 1 2020-21 £	Year 2 2021-22 £	Year 3 2022-23 £
Cost of Existing Structure (excluding grant funded elements)	2,027,570	2,027,570	2,027,570
Additional Annual Cost of ALN Strategy as proposed (net of estimated savings)	523,350	756,260	466,800
Total Annual Cost of ALN Strategy as proposed (net of estimated savings)	2,550,920	2,783,830	2,494,370
Funded by:			
– ALN Transformation Grant	142,270	0	0
– Regional ALN Grant	82,940	0	0
– 21st Century Schools Transformation Funding	49,230	256,150	256,150
– PCC Transformation Fund	292,520	107,720	0
– Existing Base	2,027,570	2,027,570	2,027,570
Total Funding	2,594,530	2,391,440	2,283,720
Surplus / Shortfall (-) in funding	43,610	-392,390	-210,650

4.2 The proposed ALN strategy is estimated to cost an additional £523,350 in the current financial year, 2020-21, for which funding is identified as set out above, in particular there are two government grants available in 2020-21 only.

4.3 In 2021-22, as the ALN strategy rolls out further the cost increases to an additional £756,260 (£232,910 more than in 2020-21). This plus the loss of the one-off grant funding from 2020-21 results in a total revenue cost pressure of £392,390 for the financial year.

4.4 In 2022-23 further potential savings as a result of implementing the ALN strategy are anticipated which will reduce the additional ongoing annual costs to £466,800, however the funding is still not sufficient to cover this

and there remains an ongoing annual revenue cost pressure of £210,650.

- 4.5 It should be noted that in 2024-25, it is likely that the 21st Century Schools Transformation Funding will cease and this amount (£256,150) will become an additional cost pressure unless costs can be reduced in line with the reduction in available funding.
- 4.6 The table sets out a number of funding sources that have been identified to part-fund the implementation of the strategy, including a bid to the Council's Transformation Fund and the Welsh Government's 21st Century Schools Capital Grant. Clear evidence is yet to be provided to confirm eligibility of these costs under these funding streams and it should also be noted that officers are awaiting confirmation from Welsh Government as to whether this element can be funded in this way.
- 4.7 The costings include potential cost reductions that the strategy could deliver as it is implemented year on year, including the potential to reduce future out of county placements as satellite provision comes on stream.
- 4.8 In addition to the potential savings already included, it is likely that there will be cost reductions identified within Home to School Transport, possibly around £130,000, and these will need to be confirmed and considered as part of funding proposals.
- 4.9 The greatest longer term benefit to the Council will be cost avoidance of approximately £70,000 per out of county placement as the more inclusive approach to ALN provision is embedded over a period of five to ten years, through supporting mainstream schools to meet the needs of pupils with a wide range of learning needs
- 4.10 The additional cost pressures identified in sections 4.3 and 4.4 above for 2021-22 and 2022-23 cannot be accommodated within the Schools Service budget. In order for the recommendation to be approved a commitment to allocate additional funding from 2021-22 is required. This funding will be considered as part of the Council's revenue budget setting process.
- 4.11 Some elements of the strategy will require capital investment through the 21st Century Schools programme so are included within the wider Transforming Education programme costs rather than within these costings. The funding to support these costs will be considered as part of the overarching financial strategy for the delivery of the entire Council's Strategy for Transforming Education in Powys 2020-30, which will be provided for Cabinet's consideration later this Autumn.
- 4.12 The Head of Finance (section 151 officer) notes the content of the report. Implementation of the strategy is reliant on the provision of additional revenue budget to support it and approval of the

recommendation commits to prioritising this within the revenue budget from 2021/22. On this basis the recommendation can be supported.

5. Legal implications

5.1 Comment from Monitoring Officer noted and amended

6. Comment from local member(s)

6.1 N/A

7. Recommendation

7.1 It is recommended that Cabinet:

- i) Approves the Future of Special Educational Needs/ Additional Learning Needs in Powys Strategy (Appendix D) for implementation from October 2020.
- ii) That the costs be included in the Financial Resource Model (FRM)

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