

Committee: **Executive Committee**

Date of meeting: **24<sup>th</sup> February 2021**

Report Subject: **Additional Learning Needs (ALN) Act Readiness**

Portfolio Holder: **Cllr. Joanne Collins, Executive Member  
Education**

Report Submitted by: **Lynn Phillips, Corporate Director of Education**

| Reporting Pathway           |                           |                          |                 |                               |                    |                     |         |                      |
|-----------------------------|---------------------------|--------------------------|-----------------|-------------------------------|--------------------|---------------------|---------|----------------------|
| Directorate Management Team | Corporate Leadership Team | Portfolio Holder / Chair | Audit Committee | Democratic Services Committee | Scrutiny Committee | Executive Committee | Council | Other (please state) |
| 14.01.21                    | 21.01.21                  | 09.02.21                 |                 |                               | 09.02.21           | 24.02.21            |         |                      |

## 1. Purpose of the Report

The purpose of the report is to provide the Executive Committee with an update on the Additional Learning Needs (ALN) and Tribunal (Wales) Act (2018) and the progress the Education Directorate is making in readiness.

## 2. Scope and Background

- 2.1 Over thirteen years ago, Welsh Government felt that there was a need to look at reforming the current Special Educational Needs (SEN) system. Preliminary consultations took place in 2007 on the assessment and statementing system and this led to a series of reform pilots from 2009-12.
- 2.2 Over the course of the following five years, further trials and pilots took place and Blaenau Gwent participated in this work, leading on the development of Person Centred Practice (PCP) in all schools across South East Wales. This resulted in our schools receiving training and beginning to work on a PCP approach, sharing their practice locally and regionally.
- 2.3 In December 2017, the Additional Learning Needs (ALN) and Education Tribunal (Wales) Act (2018) was passed by Welsh Government. The aim of the ALN Act is to create a unified process for children and young people 0-25 that will improve outcomes with a single statutory framework.
- 2.4 The ALN Act creates the legislative framework to improve the planning and delivery of additional learning provision, through a person-centred approach to identifying learner needs earlier, putting in place effective support and monitoring, and adapting interventions, ensuring the desired outcomes.
- 2.5 The ALN Act will be supported by a new ALN Code of Practice but there have been delays in its development and finalisation. Welsh Government has committed to the Code of Practice being laid before the Senedd in March

2021, in time to be in place in September 2021. It is worth pointing out that until September 2021, the Council are required to comply with the duties placed upon us under the current SEN Code of Practice and from then from 2021-2024 there will be two systems in place as the service transitions from one to the other.

- 2.6 From September 2021, all Councils have a responsibility to ensure that the requirements of the ALN Act and accompanying Code are in place to support learners aged 0-25 and that they work effectively with other agencies such as Health to deliver improved outcomes for children and young people.
- 2.7 The ALN Act and draft Code make clear that each area of a child's need cannot be seen in isolation and a holistic approach is required where all of a child's needs are met, accompanied by a single unified plan - the individual development plan (IDP). Therefore, planning to meet children's education, health and social care needs have to be considered as a whole with agencies planning together.
- 2.8 IDPs will replace statements of special educational needs (SEN) and individual education plans (IEPs) for learners currently supported through Early Years Action/School Action or Early Years Action Plus/School Action Plus. Where required, a school will decide whether the child or young person has additional learning needs (ALN) and, if so, put an IDP in place. Schools can refer such decisions to the local authority if:
  - determining the extent and nature of the young person's ALN, or the additional learning provision (ALP) that they require, is beyond the school's capability; and/or,
  - it would not be reasonable for the school itself to secure the required provision.
- 2.9 The ALN Code will also impose mandatory requirements on the governing body of maintained schools in Wales in respect of decisions about ALN, the preparation, content, form, review and revision of IDPs, and ceasing to maintain IDPs. In relation to Children Looked After (CLA) and working with Children's Services, it will be essential that directorates work together to plan changes and transitions particularly where children have an ALN, and therefore, an IDP that would form part of the Personal Education Plan (PEP).
- 2.10 In relation to children who are Electively Home Educated (EHE) with an identified additional learning need, the current expectation is that the IDP must be maintained by the LA.

#### 2.11 **A Regional Approach**

In preparation for September 2021, LAs across the South East Wales consortia region (SEWC) have been working together to ensure that there is a collaborative and coherent approach to the implementation of the ALN Act and associated guidance (ALN Code) through the use of a regional implementation plan.

- 2.12 The plan has four key areas of work (early years, schools, post 16 and communication/collaboration). Within collaboration, the role of the EAS is included due to the need to ensure ALN is also considered as part of the school improvement agenda.
- 2.13 The region has developed a cluster approach with the appointment of both regional and cluster ALNCos. The ALNCos have supported the completion of school readiness surveys which have been developed to support planning, delivery and self-evaluation at a school level, as well as the development and implementation of a training plan. Welsh Government has provided the region with funding to enable current ALNCos to undertake the accredited National Middle Leadership qualification, in collaboration with the EAS.
- 2.14 The benefit of regional working has been significant and below are a few of the many ways in which Blaenau Gwent has benefited from, and contributed to a regional approach,
- Modular training for Early Years (EY) providers established by EYs leads;
  - PCP approaches embedded across the region (piloted originally by Blaenau Gwent);
  - The development of a school readiness survey with the sharing of good practice;
  - The development of a health readiness survey for Health teams;
  - Professional learning offer developed for ALNCos;
  - Post-16 training offer developed for post-16 staff including Coleg Gwent;
  - Enhanced transition programme developed and being trialled in each LA;
  - An online 'Matrix' being trialled by each LA to support Removing Barriers to Learning;
  - Special Schools working together to support the roll out of IDPs; and,
  - Parental engagement sessions in each LA run by SNAP Cymru.
- 2.15 All these areas have benefited from the support of the ALN Transformation Lead funded by Welsh Government.

## 2.16 **A Local Approach**

The ALN Act required from January 2021 the introduction of a new statutory post in each LA – that of an Early Years ALN Lead Officer. This post was appointed to in December and sits within the ALN Service, based in Pen-y-Cwm Special School. A local steering group is in place which is cross-Directorate to ensure that the requirements of the Act are fulfilled.

- 2.17 A Strategic Headteachers group planned as part of the regional approach will now be carried out locally and the Service Manager – Inclusion is in the process of formulating this group. This group will be key over the next two terms in supporting schools in their preparations. In addition, the EAS, as a regional partner, are also making ready for September 2021.
- 2.18 SNAP Cymru continue to provide local engagement sessions and raise awareness with parents. Welsh Government are finalising online training that will be rolled out across Wales. The training will be multi-level and designed

to ensure the appropriate level of knowledge is available for those who require it. The SEN team will be complementing this with a range of short 'bite-size' sessions/briefings to provide further support in this area.

- 2.19 Blaenau Gwent's local ALNCo Forum, held half-termly provides our key point of contact for all our ALNCoS and Education Officers to share good practice and support the development of the processes needed in schools from September 2021. These discussions are coordinated by the Educational Psychology Service but led by one of our Regional ALNCoS.
- 2.20 Blaenau Gwent has expanded the ALN team in preparation for September 2021. Welsh Government has provided some additional funding in the short term which has been used to create a fixed term post of ALN Officer.
- 2.21 COVID-19 – Welsh Government took the decision not to suspend statutory SEN processes during COVID. The requirements for statutory assessments to be carried out have continued with the right of parental appeal to the SEN Tribunal. This has not been easy to manage when schools have been closed and with remote learning now taking place. COVID-19 has also impacted upon the preparation work for the ALN Act. However, with the regional and local approach in place, the Inclusion team are confident that all that needs to be in place for September 2021 will be.

### 3. **Options for Recommendation**

3.1 The options to consider are:

- 1. The Executive accept the report and agree that Blaenau Gwent will be ALN ready for September 2021 when the ALN Act becomes operational and appropriate preparations are taking place; and/or,
- 2. Members consider the report and provide feedback/comments to ensure appropriate preparations are taking place.

### 4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 The ALN Act and preparations for it support Priority 1 for Education: to improve pupil outcomes, progress and wellbeing, for all our pupils, particularly for our vulnerable learners. It will also contribute to priority 3 regarding supporting school leaders to help our pupils achieve their ambitions. The ALN Act and the preparations for it further support our strategic responsibilities with regard to progressing our Vision for Education (school led, self-improving system based on effective school to school collaboration), as well as supporting the securing of effective, efficient and economical high quality provision for our vulnerable learners.

## 5. Implications Against Each Option

### 5.1 Impact on Budget (short and long term impact)

The impact on budget from September 2021 is not fully known. The original expectation of Welsh Government was that the reforms would bring about a revenue saving. Welsh Government later revised this and now consider the impact as cost neutral. This is not the general view of Education services across Wales. Increasing the age range, extending (or deepening) the statutory right of Tribunal appeal) and increasing the number of pupils potentially entitled to a statutory IDP points to a cost impact upon schools (in managing the increased number of plans) and on the Council (in managing a potential increase in the number of LA plans) as well as in Tribunal directions and decisions (impacting upon required provision). The requirement to manage two parallel statutory systems will require additional staffing within the ALN Team which is an identified cost pressure. In addition, the requirement for a statutory Early Years ALN Lead Officer has a budget implication leading to further cost pressure of £70,000.

### 5.2 Risk including Mitigating Actions

Funding commitments from Welsh Government has enabled the release of staff to support preparations. A continuation of the current progress will ensure that the implementation plan stays on track with appropriate monitoring at a local and regional level.

### 5.3 Legal

There are no legal implications associated with this report.

### 5.4 Human Resources

The requirement placed on the Council to introduce a new strategic post of Early Years ALN Lead Officer from January 2021 has been completed. There will be further consideration of pressures once the finalised ALN Code is released and there is clarification provided in a number of other areas such as Elective Home Education and CLA.

## 6. Supporting Evidence

### 6.1 Performance Information and Data

The last Pupil Census information on SEN showed that in 2019/20 Blaenau Gwent had 1795 pupils on the SEN register of which 246 had Statements of SEN. Whilst not all 1795 pupils would be entitled to an IDP, it is clear that the number will be higher than the 246 that currently have statutory and legally challengeable statements.

### 6.2 Expected outcome for the public

The Council is working to ensure that the ALN Act is implemented in an efficient and effective manner, in line with regional and national good practice and in partnership with schools and other services/agencies, will provide a level of reassurance to the public. In addition, the introduction of the ALN Act will ensure that the processes related to pupils with ALN will be much more pupil focused, less bureaucratic and more responsive.

### 6.3 **Involvement (consultation, engagement, participation)**

Significant consultation has been undertaken by Welsh Government in the development of the ALN Act. At a local and regional level, SNAP Cymru has undertaken parental engagement sessions and previous Headteacher meetings and ALNCo Forums have continued to keep the reform on the agenda. In addition, significant work has taken place with Health, and Social Services have been provided with initial awareness raising sessions. This will be ongoing.

### 6.4 **Thinking for the Long term (forward planning)**

Appropriate attention is required to ensuring the smooth transformation and implementation of the ALN Act. Once in force and subsequent to that, there is an expectation that the processes will have a positive impact on our learners with ALN, their families, schools and other partners.

### 6.5 **Preventative focus**

Ensuring that the ALN Act is implemented in an efficient and effective manner, in line with regional and national good practice and in partnership with schools and other services/agencies, will ensure an improved system that works for the benefit of pupils, families and the wider community.

### 6.6 **Collaboration / partnership working**

The Inclusion team are working closely with the region, with Councils across Wales and with Welsh Government as well as with Health and Social Services. Where alignment and further collaboration is possible as a result of the introduction of the ALN Act these will be pursued. Closer working can only bring benefit to our ALN learners, of all ages.

### 6.7 **Integration (across service areas)**

The ALN Act complements other areas of work such as the broader wellbeing work and the work of the EAS. In addition, the introduction of IDPs, particularly given the age range and the introduction of the Early Years ALN Lead Officer post will benefit a holistic approach to meeting children and young people's needs.

### 6.8 **EqIA**

There are no implications arising directly from this report.

## 7. **Monitoring Arrangements**

7.1 The work towards implementation of the ALN Act is monitored at multiple levels. Estyn has carried out a thematic review on the readiness of Councils, as well as having discussions with the Education Directorate via LA link inspector (LALI) meetings and with individual schools. Welsh Government also monitors via regional and themed reporting requirements.