



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

3rd OCTOBER 2018

REVIEW OF LEARNING SUPPORT CLASS PROVISION WITHIN RHONDDA CYNON TAF

REPORT OF THE DIRECTOR OF EDUCATION AND INCLUSION SERVICES IN DISCUSSION WITH THE CABINET MEMBER FOR EDUCATION & LIFELONG LEARNING, COUNCILLOR J ROSSER

Author: Ceri Jones – Head of Inclusion Services

1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to provide Members with an opportunity to consider proposals for the realignment of mainstream Learning Support Class (LSC) provision within Rhondda Cynon Taf (RCT).

2. RECOMMENDATIONS

It is recommended that Members consider:

2.1 The information contained within this report.

2.2 Proposals for the realignment of Special Educational Needs (SEN) mainstream LSC provision within the context of the School Organisation Code (2013) and the 21st Century School Modernisation Programme.

2.3 Formal approval to commence consultation on the following proposals:

2.3.1 To close the Foundation Phase Learning Support Class (“LSC”) for pupils with Complex Learning Difficulties in Heol y Celyn Primary School – no pupils in 2019;

2.3.2 To close the Foundation Phase LSC for pupils with Complex Learning Difficulties in Penrhys Primary School – no pupils in 2019;

2.3.3 To close the Key Stage 2 LSC for pupils with Social, Emotional, Behavioural Difficulties in Penywaun Primary School – no pupils in 2019;

2.3.4 To close the Foundation Phase LSC for pupils with Complex Learning Difficulties in Pontygwaith Primary School – no pupils in 2019;

- 2.3.5 To close the Key Stage 2 LSC for pupils with Complex Learning Difficulties in Heol y Celyn Primary School – 2 pupils in 2019;
- 2.3.6 To close the Key Stage 2 LSC for pupils with Complex Learning Difficulties in Caradog Primary School – 8 pupils transferring to Cwmbach Primary School;
- 2.3.7 To transfer the Foundation Phase LSC for pupils with Complex Learning Difficulties from Caradog Primary School to Cwmbach Primary School, creating a cross phase provision from Foundation Phase to Key Stage 2.
- 2.3.8 To transfer the Foundation Phase LSC for pupils with Complex Learning Difficulties from Penrhys Primary School to Maerdy Primary School, creating a cross phase provision from Foundation Phase to Key Stage 2;
- 2.3.9 To transfer the Key Stage 2 LSC for pupils with Communication Disorders based at Hafod Primary School to Porth Community School (3-16 provision) creating a cross phase provision from Foundation Phase to Key Stage 4
- 2.3.10 To re-designate the Foundation Phase LSC for pupils with Complex Learning Difficulties at Darran Park Primary and Foundation Phase Observation and Assessment Class at Llantrisant Primary to become Early Years Assessment and Intervention LSCs for pupils under statutory school age with significant presenting needs;
- 2.3.11 To create a new Key Stage 3/4 LSC provision for pupils with SEBD at Ysgol Nant Gwyn;
- 2.3.12 To create a new Key Stage 3/4 LSC provision for pupils with Complex Learning Difficulties at Treorchy Comprehensive School.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To progress the proposal in accordance with the process outlined in the School Organisation Code 2013 so that an improved continuum of SEN provision can be achieved in RCT.

4. BACKGROUND

- 4.1 Considerable changes are planned in Wales in relation to the statutory provision required to meet the needs of pupils with SEN/additional learning needs (ALN). The Additional Learning Needs and Education Tribunal (Wales) Act (ALNET) was introduced in January 2018. The Act requires local authorities to keep under review the arrangements for supporting pupils with ALN within their area and consider whether these are sufficient. The Act will be supported by new regulations, including secondary legislation and a new statutory Additional Learning Needs Code of Practice. The current draft Code is based on the following principles:
- meeting the needs of pupils with ALN should be part of a whole school approach to school improvement

- pupils must be supported to participate in mainstream education and in the National Curriculum as fully as possible wherever this is feasible.
- 4.2 Until the anticipated implementation of the new ALN Code of Practice in September 2020, Local Authorities (LAs) are required to comply with the existing Special Educational Needs (SEN) Code of Practice for Wales (2002) and fulfil their statutory duties towards children with SEN. The Code states that children and young people have SEN if they have a learning difficulty which calls for a special educational provision to be made for them. Early years settings and schools are required to adopt a graduated response to meeting SEN at Early Years/School Action and Early Year/School Action Plus of the Code of Practice. For learners with the most significant SEN, a Statement of SEN is issued by the LA and statutory provision put in place.
- 4.3 Rhondda Cynon Taf currently delegates £3.3 million Additional Needs Funding (ANF) to mainstream schools to ensure that both non-statutory and statutory mainstream provision for learners with severe and persistent needs is robust and supports mainstream inclusion.
- 4.4 For pupils with more significant needs who experience difficulties in coping with mainstream education, more specialist placements are required. Rhondda Cynon Taf has a range of specialist provisions which includes, 46 LSCs, 2 Pupil Referral Units (PRUs) and 4 Special Schools. These placements are agreed by Access and Inclusion Service panels.
- 4.5 RCT has an excellent range of LSC provisions attached to mainstream schools. However, it has become increasingly apparent that the range of LSC provisions currently available is disproportionate to the level of need in some areas. In view of this, an in-depth data analysis exercise was undertaken to inform proposals for change.
- 4.6 Data analysis confirms that:
- some primary provisions have significant surplus capacity;
 - there is currently insufficient provision in the secondary sector;
 - the absence of cross phase specialist provision on some school sites means that some learners experience unnecessary transitions;
 - some LSCs would benefit from relocation to fully accessible schools that have benefited from the 21st Century School Modernisation and investment;
 - there is insufficient provision to meet the needs of learners in the early years.

Feedback from schools suggests that LSCs for social, emotional and behavioural needs do not currently have sufficient staffing to effectively meet need.

- 4.7 In light of these findings, the proposals for change seek to achieve the following aims:
- developing a robust continuum of provision that effectively addresses a wide range of need across all key phases/stages;

- reduction in surplus LSC places through the effective rationalisation and re-alignment of existing LSC provision to address identified gaps in provision;
- avoiding unnecessary transition across schools by establishing cross phase specialist provisions within individual schools where possible;
- creating capacity for outreach support from special schools and providing effective early intervention and prevention in the early years;
- establishing LSC provisions in fully accessible settings that provide a learning environment fit for the 21st Century.

5. **CURRENT POSITION**

5.1 RCT spends in the region of £3.1 million annually on the provision of LSCs. There are currently approximately 330 pupils accessing the 46 LSC provisions within RCT across a range of needs. Table 1 outlines the range of mainstream LSCs currently available:

Table 1: Current Mainstream Learning Support Classes

SEN Learning Support Classes	Foundation Phase (FP) or Key Stage (KS)	Number of classes	Percentage of Overall LSCs
Autistic Spectrum Disorder (ASD)	FP	2	34.78%
	KS2	1	
Communication Disorder	FP	3	
	KS 2	4	
ASD/ Communication Disorder	KS 3 / 4	6	
Complex Learning Difficulties	FP	7	
	KS 2	7	
	KS 3 / 4	2	
Hearing Impairment	FP/KS 2	1	2.17%
Observation & Assessment	FP	2	4.35%
Nurture	FP	2	17.39%
Social, Emotional & Behavioural Difficulties	KS 2	5	
	KS 3 / 4	1	
Speech and Language Difficulties	FP/KS 2	2	6.52%
	KS 3 / 4	1	
Total		46	100%

5.2 The Access and Inclusion Service has a range of placement panels to agree specialist placements. Data detailed in Appendix 1 suggests that requests for placements within Complex Learning Difficulties provision has reduced dramatically over the last 4 years from 104 in 2015/16, 43 in 2016/17 to 58 in 2017/18.

5.3 RCT currently has 16 LSCs for pupils with Complex Learning Difficulties accounting for 34.78% of provision. Of the 168 places available, only 103 will be filled in September 2018 leaving a surplus capacity of 38.69%. Data in Table 2 clearly suggests that there is scope for rationalising some of this provision at primary level, particularly in the Foundation Phase. Data also suggests that there is currently insufficient capacity (-17.86%) to meet need in Key Stages 3/4.

Table 2: Surplus Capacity within RCT LSC Provision for Complex Learning Needs as at Sept 2018

Key Stage	Current Number of Classes	Number of Available Places	Number of Confirmed Placements Sept 18	Projected Surplus Places Sept 2018	Surplus Capacity
Foundation Phase	6	60	19	41	68.33%
KS 2	8	80	51	29	36.25%
KS 3/4	2	28	33	-5	-17.86%
Totals	16	168	103	65	38.69%

5.4 The data provided in Appendix 2 and Table 3 illustrates that there is considerable surplus capacity in a range of provisions for Complex Learning Difficulties. This includes provision in Pontygwaith, Penrhys and Heol-y-Celyn. It is proposed that pupils from Caradog LSC provision access a comparable provision in Cwmbach Primary School, which is fully accessible and has benefited from 21st Century School Modernisation Programme investment (£6m). Cwmbach Primary School LSC provision will have 70% surplus capacity in September 2019.

Table 3: Surplus Capacity within key LSCs for Pupils with Complex Learning Difficulties in September 2019 (proposed closure date)

School	Learning Support Class	Number of Available Places	Projected Number Placements as at Sept 2019	Projected Surplus Places as at Sept 2019	Surplus Capacity
Pontygwaith Primary School	FP Complex Learning Difficulties	10	0	10	100%
Penrhys Primary School	FP Complex Learning Difficulties	10	0	10	100%
Heol y Celyn Primary School	FP Complex Learning Difficulties	10	0	10	100%
Heol y Celyn Primary School	KS2 Complex Learning Difficulties	10	2	8	80%
Caradog Primary School	KS2 Complex Learning Difficulties	10	8	2	20%

LSCs for pupils with Social, Emotional and Behavioural Difficulties

- 5.5 Appendix 3 highlights that whilst there has been a growth in the number of learners referred to placement panel for LSC provision for SEBD, only 50 of the 125 pupils (27.78%) referred in 2017/18 met the SEN Placement Criteria.
- 5.6 Table 4 highlights the capacity in primary LSC provision for SEBD, with 25% and 35% surplus capacity evident in the Foundation Phase and Key Stage 2 respectively. In light of this, and the pressure on placements at Key Stage 3/4, a redirection of resources from the primary to the secondary phase would be beneficial.

Table 4: Learning Support Classes for Pupils with SEBD (including Nurture)

Key Stage	Current Number of Classes	Number of Available Places	Number of Confirmed Placements Sept 18	Projected Surplus Places Sept 2018	Surplus Capacity
Foundation Phase	2	16	12	4	25.00%
KS 2	5	40	26	14	35.00%
KS 3/4	1	10	11	-1	-10.90%
Totals	8	66	49	17	25.75%

- 5.7 Data provided in Appendix 3 and Table 5 illustrates that there are no learners currently attending the LSC provision for pupils with SEBD in Penywaun Primary School.

Table 5: Surplus Capacity within a LSC for Pupils with SEBD in Sept 2019 (proposed date of closure)

School	Learning Support Class	Number of Available Places	Projected Number Placements as at Sept 2019	Projected Surplus Places as at Sept 2019	Surplus Capacity
Penywaun Primary School	KS2 SEBD	8	0	0	100%

- 5.8 In summary, a total of 3 LSCs for Complex Learning Needs will have no pupils in September 2019. A further LSC for Complex Learning Needs will have surplus capacity of 80% in September 2019. In addition, there are no learners currently placed in the Learning Support Class for SEBD in Penywaun Primary School. This provision also has a vacant teaching post.

5.9 In light of the data, it is proposed that a range of closures, re-designations and relocations of existing LSC provision is considered. In addition, it is proposed that some new provisions are established and enhanced to address gaps in existing provisions.

6. PROPOSALS FOR CHANGE

6.1 Following the data analysis above the proposals for change are as follows, in summary:

- 33 SEN mainstream LSCs remain unaltered
- 6 SEN mainstream LSCs close
- 3 SEN mainstream LSCs are relocated
- 2 SEN mainstream LSCs are opened
- 2 SEN mainstream LSCs are re-designated

6.2 It is proposed the following **LSC closures** takes place from 1st September 2019:

- Foundation Phase LSC for pupils with Complex Learning Difficulties in Heol y Celyn Primary School – no pupils in 2019;
- Foundation Phase LSC for pupils with Complex Learning Difficulties (x1 class) in Penrhys Primary School – no pupils in 2019;
- Key Stage 2 LSC for pupils with Social, Emotional, Behavioural Difficulties in Penywaun Primary School – no pupils in 2019;
- Foundation Phase LSC for pupils with Complex Learning Difficulties in Pontygwaith Primary School – no pupils in 2019;
- Key Stage 2 LSC for pupils with Complex Learning Difficulties in Heol y Celyn Primary School – 2 pupils in 2019;
- Key Stage 2 LSC for pupils with Complex Learning Difficulties in Caradog Primary School – 8 pupils transferring to Cwmbach Primary School.

It is considered that allowing the provisions to remain open is not an efficient use of Council resources due to no learners being in attendance or to very low numbers of learners. The resources would be better utilised if re-directed to enhance existing provision to meet need and to address identified gaps in provision. It should be noted that 4 of the above classes will have no pupils placed at the proposed closure date, and one provision will have 80% surplus capacity. A further provision has poor access for learners with physical and medical needs and the building is not fit for purpose.

6.3 It is proposed that the following LSCs are **re-located** from the 1st September 2019:

- Foundation Phase LSC for pupils with Complex Learning Difficulties from Caradog Primary School to Cwmbach Primary School, creating a cross phase provision from Foundation Phase to Key Stage 2.

- Foundation Phase LSC for pupils with Complex Learning Difficulties from Penrhys Primary School to Maerdy Primary School, creating a cross phase provision from Foundation Phase to Key Stage 2
- Key Stage 2 LSC for pupils with Communication Disorders based at Hafod Primary School to Porth Community School (3-16 provision) creating a cross phase provision from Foundation Phase to Key Stage 4

It is proposed that the above relocations of LSCs are undertaken to premises which are more accessible and better equipped to meet a range of needs. The proposals will ensure greater compliance with the Equality Act 2010 and relocation to two significantly improved premises which have benefited from the 21st Century Schools Modernisation Programme and investment. The proposals will minimise unnecessary transition for pupils with significant needs, provide continuity in their educational placements and ensure that a higher number of specialist LSC provisions provide equity for pupils in LSCs so that they remain in one setting until transition to secondary provision

6.4 It is proposed that the following LSC provisions are **re-designated** from the 1st September 2019:

- Foundation Phase LSC for pupils with Complex Learning Difficulties at Darran Park Primary and Foundation Phase Observation and Assessment Class at Llantrisant Primary to become Early Years Assessment and Intervention LSCs for pupils under statutory school age with significant presenting needs.

The proposal to enhance current Early Years LSCs provision will enable children of non-statutory school age to receive early assessment and intervention within a mainstream LSC context and timely access to specialist support to inform re-integration placements or more long-term specialist placements. These re-designations and an enhanced outreach role for special schools will also strengthen partnership arrangements and enhance the continuum of specialist support and provision for pupils in the early years.

6.5 It is proposed that the **new provisions** are established from September 2019 as follows:

- Key Stage 3/4 LSC provision for pupils with SEBD at Ysgol Nant Gwyn
- Key Stage 3/4 LSC provision for pupils with Complex Learning Difficulties at Treorchy Comprehensive School
- The proposal to increase KS3/4 provision addresses the increasing demand for secondary LSC provision and the imbalance between the number of LSCs within mainstream primary and secondary settings.

6.6 It is proposed that some displaced staff could potentially be re-deployed to enhance staffing levels in key provisions. This flexible approach will ensure the more effective use of resources, and provide greater scope for placing pupils in the provision closest to learners' homes and communities, promoting inclusion and minimising unnecessary travel and transport costs. However, it is important to note that all pupils currently affected by these proposals will be

eligible for school transport to their nearest appropriate specialist setting in line with the Council's Learners Travel Policy.

- 6.7 It is proposed that a number of LSCs have an increase in their capacity to accommodate the level of need within specific areas of SEN. Depending on the SEN designation of class (i.e. ASD, Complex Learning Difficulties) we currently place between 8-10 pupils in primary settings and approximately 14 in secondary settings with between 2-3 adults, depending on the type of provision.
- 6.8 Increasing the capacity of some classes will provide Access & Inclusion Service Placement Panel with more flexibility in terms of placing pupils in provisions closest to their home address. The LSCs will remain well-resourced and additional specialist staff will be appointed where there is a need identified.
- 6.9 Following feedback received from schools, it is proposed that additional staffing will also be placed in settings where there needs to be an enhanced focus on supporting learners with challenging behaviour and re-integrating learners on dual placements back into mainstream settings with the necessary level of support to ensure success.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 Welsh Language and Community Impact Assessments are not required for these proposals. An Equality Impact Assessment has been prepared in respect of this proposal and will be published on the Council's website together with the consultation document that outlines the proposal in detail.

8. CONSULTATION

- 8.1 The consultation process in respect of this proposal will be undertaken under the arrangements outlined in the Welsh Government's School Organisation Code (006/2013). These arrangements stipulate that consultation must be undertaken when the proposal is at a formative stage and that a consultation document must be prepared and circulated to prescribed consultees, as well as being published on the Council's website.
- 8.2 The draft consultation document for the proposals outlined in this report is attached as Appendix 4 to this report. The consultation period, if it is agreed to progress this matter, will run from the 19th of October to the 30th November of 2018.

The Consultation report attached is in draft subject to Cabinet approval.

9. FINANCIAL IMPLICATIONS

- 9.1 If the above proposals to realign LSC provision within RCT proceed, resources will be re-directed to address the identified gaps in existing provision. In closing some provisions redundancy costs may arise. However, the Council seeks to minimise these costs by redeploying displaced members of staff wherever

possible. It is therefore not possible at this point in the consultation process to identify any possible redundancy costs.

The enhanced provision in key settings will be central to supporting the needs of some learners on dual placements who may require more enhanced support to meet their needs when in mainstream and support to manage very challenging behaviour within LSC provision for learners with severe SEBD.

We will also use the funding to develop outreach opportunities from our special schools so as to enhance the capacity of mainstream and LSCs to effectively meet the additional learning needs of learners in the early years.

10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 10.1 Section 316A of the Education Act 1996 specifies that children with SEN should normally be educated in mainstream schools so long as this is compatible with them receiving the special educational provision that their learning difficulty calls for; the efficient education of other children, and the efficient use of resources.
- 10.2 Section 315 of the Education Act 1996 also requires the LA to ensure that SEN provision is kept under review. Sections 1:20 and 1:21 of the SEN Code of Practice for Wales (2002) also requires LAs to evaluate the effectiveness of school funding arrangements in supporting and raising the achievement of children with SEN.

11. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

- 11.1 The proposals will ensure that two of the Council's three key priorities will be met. These include
- Economy: Building a strong economy
 - People: Promoting independence and positive lives for everyone
- 11.2 The proposals will ensure that some of the Council's most vulnerable pupils will have the best chance of achieving positive outcomes. The redirection of valuable resources from SEN settings which have surplus places will enhance opportunities for providing successful inclusion in local community schools. The proposals will ensure more efficient and effective use of Council resources which promotes the development of social inclusion and positive outcomes for learners. This will also have a beneficial impact on transport costs and on carbon emissions.
- 11.3 Organising services so that they are focussed on early intervention and prevention is a key statutory requirement of the Wellbeing and Future Generations Act and a key element of the Council's Corporate Plan. These proposals will ensure there is renewed capacity for early intervention and prevention thus minimising the need for statutory processes and intervention.

12. CONCLUSION

- 12.1 Welsh Government and legislation requires LAs to regularly review arrangements for supporting Pupils with SEN and to ensure that provision is sufficient and meets the needs of its communities.
- 12.2 The priority for the Education Directorate is to continue to focus on driving up standards in schools and early years settings, and to improve the outcomes for all children and young people. If the cycle of deprivation and underachievement is to be broken, a top quality education that meets the needs of all children and young people is essential. There are considerable benefits to be gained from the realignment of LSCs in ensuring the SEN of all children and young people are met and outcomes for pupils are improved.
- 12.3 The proposed realignment of LSCs will ensure that the LA has an enhanced focus on providing more effective mainstream inclusion opportunities for pupils with a wide range of SEN. The importance of mainstream inclusion for pupils with SEN is reflected in the revised Estyn Common Inspection Framework which highlights that judgements of achievement for all learners including those with additional learning needs should take account of progress made in relation to agreed learning goals from individual starting points. The framework also recognises the positive impact that the expertise within a LSC can have on enhancing practice and improving outcomes for learners with SEN across the whole school.
- 12.4 The proposals ensure that the best possible use of resources and a more equitable continuum of provision is achieved for pupils with significant SEN.
- 12.5 The proposals provide an effective local solution and provision for pupils with significant SEN thus reducing transport costs and the LA's carbon footprint. Increasing the capacity of some LSCs will also reduce individual placement costs, whilst continuing to provide high quality specialist provision for pupils with the most significant needs.
- 12.6 It is recommended, therefore, that approval is given to commence consultation on the proposed realignment of SEN mainstream LSC provision so that we can urgently address and resolve some of the challenges currently faced within the LA.

Other Information

Relevant Scrutiny Committee: Children & Young People Scrutiny Committee.