



## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### PRIVATE CABINET

11TH SEPTEMBER 2023

### CONSULTATION ON THE PROPOSALS TO REALIGN ADDITIONAL LEARNING NEEDS MAINSTREAM 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, YOUTH PARTICIPATION AND WELSH LANGUAGE (COUNCILLOR R LEWIS)

**AUTHOR:** Ceri Jones, Head of Inclusion Services

#### 1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to advise Members of the outcome of the recent consultation in respect of the proposal to realign the mainstream Learning Support Class (LSC) provision within Rhondda Cynon Taf (RCT).

#### 2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Note the information contained within the attached consultation report, which includes a summary of items of correspondence received during the consultation exercise and notes of the various meetings held.
- 2.2 Agree to progress the following proposals to realign the mainstream Learning Support Class (LSC) provision within Rhondda Cynon Taf (RCT) by issuing the appropriate statutory notices.
- 2.2.1 **Proposal 1 (amended):** To relocate the Observation and Assessment LSC at Penrhiwceiber Primary School to Abercynon Community Primary School taking effect from September 2024. *(Amended from April 2024).*
- 2.2.2 **Proposal 2 (amended):** To transfer the LSC for pupils in Years 3-6 with Autistic Spectrum Disorder (ASD) at Abercynon Community Primary School to create a through provision in the Primary Phase at Perthcelyn Primary School taking effect from September 2024. *(Amended from April 2024).*
- 2.2.3 **Proposal 3:** To establish one Early Years Assessment and Intervention LSC for pupils under statutory school age with significant presenting needs at Abercynon Primary School taking effect from April 2024.

2.2.4 **Proposal 4:** To establish two Welsh medium primary phase LSCs at the new Welsh medium primary school in Rhydyfelin for pupils with significant ALN taking effect from September 2024.

2.2.5 **Proposal 5:** To establish one LSC for pupils in years 7-11 with ASD at the new 3-16 school on the Hawthorn Primary/High School site taking effect from September 2024.

### **3. REASONS FOR RECOMMENDATIONS**

3.1 To progress the proposal in accordance with the process outlined in Welsh Government legislative guidance (School Organisation Code (2nd Edition) (011/2018)) so that an improved continuum of ALN provision can be achieved in RCT.

3.2 To ensure that the Council undertakes its statutory duties in relation to the ALNET Act (2018) that requires local authorities to keep under review the arrangements for supporting pupils with ALN within their area and consider whether these are sufficient, including a statutory requirement to take all reasonable steps to create a bilingual system of support for pupils with ALN.

3.3 To support the Council's delivery of its Welsh in Education Strategic Plan (WESP) and the Education Directorate Strategic Plan 2022-2025.

### **4. BACKGROUND**

4.1 Members will recall that, at the meeting of Cabinet held on 3<sup>rd</sup> May 2023, approval was given to begin a process of formal consultation on a proposal to realign the mainstream Learning Support Class (LSC) provision within Rhondda Cynon Taf (RCT).

4.2 For pupils with more significant needs for whom it is challenging to make appropriate learning provision within mainstream education, more specialist placements are required. RCT has a range of specialist provisions which includes: 45 LSCs, 2 Pupil Referral Units (PRUs) and 4 Special Schools. 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.

4.3 Data analysis confirms that:

- there is currently insufficient provision in the secondary sector for pupils with ASD;
- the absence of cross phase specialist provision on some school sites means that some learners experience unnecessary transitions;
- one LSC would benefit from relocation to fully accessible schools that have benefited from the Sustainable Communities for Learning investment;
- there is insufficient provision to meet the needs of learners in the early years.

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 year groups;

- avoiding unnecessary transition across schools by establishing cross phase specialist provisions within individual schools where possible;
- establishing LSC provisions in fully accessible settings that provide a learning environment fit for the 21<sup>st</sup> Century.

4.4 Implementing this proposal will be of benefit to Welsh medium pupils with significant ALN across RCT and will ensure greater equality and access to specialist provision. The priority for the Education and Inclusion Service Directorate is to continue to focus on driving up standards in schools and to improve the outcomes for all children and young people. In light of the Welsh Government ALN Transformation Agenda and the Council's vision to increase the number of Welsh medium learners in its schools by responding proactively to both national and local strategies, such as the Welsh Government Welsh Language Strategy: Cymraeg 2050, Rhondda Cynon Taf's Welsh in Education Strategic Plan and the current 21<sup>st</sup> Century Schools plan to increase and improve Welsh medium provision RCT, it is essential to enhance current Welsh medium ALN provision within RCT.

4.5 There is a clear need to expand our Early Years and Key Stage 3/4 ASD provisions. In addition, the current location of the Penrhiwceiber LSC is felt to be no longer suitable to meet the needs of the new curriculum within a fully accessible environment. The proposed relocation of Penrhiwceiber LSC will ensure that pupils have access to premises which are more accessible and better equipped to meet a range of needs. The proposal will ensure greater compliance with the Equality Act 2010 and access to significantly improved premises which have benefited from the Council's School Modernisation Programme and investment.

4.6 The relocation of the LSC for pupils with ASD from Abercynon Community Primary to Perthcelyn Community Primary will eliminate unnecessary transition for pupils needing specialist LSC provision throughout the primary phase, providing equity for them to remain in one setting until transition to secondary provision in line with mainstream peers.

4.7 In Abercynon LSC, the number of pupils attending the LSCs in September 2023 that will be affected by the proposed relocation is very low: 6 pupils (1 x year 6, 5 x year 4). This age profile of these learners by September 2024, the proposed implementation date of these proposals, will be 5 x Year 5 learners. In the event of parental opposition to a relocation of their children's provision to the proposed Perthcelyn LSC, supported mainstream placements in the existing settings can be explored in partnership with the school and Access and Inclusion Service staff.

In Penrhiwceibr LSC there are currently 9 pupils (1 x year 1, 4 x reception, 4 x nursery). However, placements at Penrhiwceibr Observation and Assessment Class are intended to be short-term and it is highly likely that the majority of the 9 pupils referenced above will have moved on to their long-term educational placement before the proposed implementation date of September 2024.

## **5. CONSULTATION**

5.1 The consultation in respect of these proposals was undertaken between 5<sup>th</sup> June and 14<sup>th</sup> July 2023 under the arrangements outlined in the Welsh Government's School Organisation Code. These arrangements stipulate that a Consultation Report must be prepared prior to the publication of any statutory notices which will

progress the proposal. It further states that this Report must be published within 26 weeks of the end of the consultation period, which is 12<sup>th</sup> January 2024 in this instance.

- 5.2 The Consultation Report in respect of this particular proposal is attached at Appendix 1. A number of key issues that were raised in the consultation feedback have been identified as recurring themes to which the LA has provided a collective response in section 6 of the Consultation Report. For details of correspondence received please refer to Appendix 1a. Information in respect of meetings held to discuss the proposals, with copies of the notes taken at these meetings that outline the main areas of discussion are included at Appendix 1b.
- 5.3 It is noted that there has been a good response to this consultation which consisted of 127 completed questionnaires in relation to all proposals, 12 letters/emails and 3 petitions were received in relation to Proposal 2 (the relocation of the Autistic Spectrum Disorder (ASD) Learning Support Class at Abercynon Community Primary School to Perthcelyn Primary School). A further online petition in relation to Proposal 2 was submitted after the deadline and has not been accounted for. 53 Pupil School Council representatives attended meetings with Access and Inclusion Service staff and approximately 20 parents attended open evenings held to provide further information.
- 5.4 Responses to the consultation are summarised below. All responses have been shared with Cabinet for full disclosure and transparency. For further detail refer to the Consultation Response Report:
- **Proposal 1** - To relocate the Observation and Assessment LSC at Penrhiwceiber Primary School to Abercynon Community Primary School of the 126 submissions received in relation to this proposal: 28 responders agreed to the proposal, 85 disagreed and 13 were unsure how to respond.
  - **Proposal 2** - To transfer the LSC for pupils in years 3-6 with ASD at Abercynon Community Primary School to create a through provision in the Primary Phase at Perthcelyn Primary School of the 127 submissions received in relation to this proposal: 45 responders agreed to the proposal, 88 disagreed and 9 were unsure how to respond.
  - **Proposal 3** - To establish one Early Years Assessment and Intervention LSC for pupils under statutory school age with significant presenting needs at Abercynon Primary School of the 121 submissions received in relation to this proposal 45 responders agreed to the proposal, 52 disagreed and 24 were unsure how to respond.
  - **Proposal 4** - To establish two Welsh medium primary phase LSCs at the new Welsh medium primary school in Rhydyfelin for pupils with significant ALN of 120 submissions received in relation to this proposal 54 responders agreed to the proposal, 36 disagreed and 30 were unsure how to respond.
  - **Proposal 5** - To establish one LSC for pupils in years 7-11 with ASD at the new 3-16 school on the Hawthorn Primary/High School site of the 119 submissions received in relation to this proposal 54 responders agreed to the proposal, 37 disagreed and 28 were unsure how to respond.

5.5 The following key themes emerged from the consultation for further detail and responses refer to the Consultation Response Report:

- **Proposal 1:** Observation and Assessment LSC at Penrhiwceiber Primary School to relocate to Abercynon Community Primary School.
  - The proposal was seen as positive with the proposed move providing access to enhanced facilities and resources for pupils in the LSC;
  - Concerns were raised regarding the number of transitions pupils need to undertake. However, it is highly likely that existing learners placed in short-term placements in the Penrhiwceiber LSC will have secured long term placements by the proposed implementation date.
- **Proposal 2:** LSC for pupils in years 3-6 with ASD at Abercynon Primary Community School to relocate to Perthcelyn Primary School to create a through Primary Phase provision.
  - Parents felt that pupils attending the LSC in Abercynon Community Primary School had access to a variety of community resources that would be lost should the proposal be progressed;
  - Much praise has been given to the current provision and support within both Abercynon and Perthcelyn Learning Support Classes;
  - Through provision for pupils with ASD provision were widely welcomed however the location of the class was questioned. Parents of pupils currently attending the LSC in Abercynon wish for the LSC to remain and to relocate Perthcelyn LSC to Abercynon. Parents of pupils currently attending the LSC at Perthcelyn are in support of the proposal to relocate the ASD provision from Abercynon to Perthcelyn to ensure through primary phase provision is available to their children without the need to transition further.
- **Proposal 3:** One Early Years Assessment and Intervention LSC for pupils under statutory school age with significant presenting needs at Abercynon Primary School:
  - Positive responses were received regarding the increased capacity the LSC would provide although responders queried whether further capacity was needed;
  - Mixed feedback was received regarding the location of the proposed new LSC provision some responses were in support of the Early Years LSC being established at Abercynon whilst other responses suggested the LSC should be established at a different location.
- **Proposal 4:** Two Primary Phase Welsh medium LSCs at the new Welsh medium primary school at Rhydyfelin for pupils with significant ALN:
  - Welsh medium LSCs are welcomed but concerns were raised relating to the LSC not having a specific ALN designation.
- **Proposal 5:** One ASD LSC provision for pupils in years 7–11 at the new 3-16 school on the Hawthorn Primary/High School site:
  - The increase in Key Stage 3/4 provision was seen as positive, however responders felt further LSCs are needed.

## 6. THE STATUTORY PROCESS

6.1 The statutory notices for this proposal will refer to the:

- **Proposal 1:** Relocation of the Observation and Assessment LSC at Penrhiwceiber Primary School to Abercynon Community Primary School taking effect from September 2024.
- **Proposal 2:** Transfer of the LSC for pupils in years 3-6 with Autistic Spectrum Disorder (ASD) at Abercynon Community Primary School to create a through provision in the Primary Phase at Perthcelyn Primary School taking effect from September 2024.
- **Proposal 3:** Establishment of one Early Years Assessment and Intervention LSC for pupils under statutory school age with significant presenting needs at Abercynon Primary School. The proposal will take effect from April 2024.
- **Proposal 4:** Establishment of two Welsh medium primary phase LSCs at the new Welsh medium primary school in Rhydyfelin for pupils with significant ALN. The proposal will take effect from September 2024.
- **Proposal 5:** Establishment of one LSC for pupils in years 7-11 with ASD at the new 3-16 school on the Hawthorn Primary/High School site taking effect from September 2024.

6.2 The Statutory Notices will, if agreed, be published on 9<sup>th</sup> October 2023 and will allow for a 28 day period for objections, ending on 5<sup>th</sup> November 2023. If any objections are received, in accordance with the aforementioned Code an Objections Report will be prepared. This matter will then be reported to a future meeting of Cabinet, possibly in December 2023, for Members to receive and consider the Objections Report and to make a final decision on this proposal.

## 7. **EQUALITY AND DIVERSITY IMPLICATIONS**

7.1 The relevant Equality Impact Assessment and Community Impact Assessment were published on the Council's website together with the consultation document that outlined the proposal in detail. The assessments have been updated following the consultation. Copies of the updated assessments are attached as Appendix 2 and 3 to this report.

## 8. **WELSH LANGUAGE IMPLICATIONS**

8.1 A Welsh Language Impact Assessment has been prepared in respect of this proposal and published on the Council's website as a part of the Consultation Documentation in accordance with the requirements of Welsh Government's School Organisation Code (2nd Edition) (011/2018) (the "Code"). A copy of the updated assessment is attached as Appendix 4.

## 9. **FINANCIAL IMPLICATIONS**

9.1 If the proposal to realign LSC provision within RCT is authorised to proceed, resources will be directed to address the identified gaps in existing provision.

9.2 The proposals will address capacity pressures in relation to pupils with significant ALN in the Early Years and years 7–11 (formerly Key Stage 3/4), reduce the

number of transitions necessary for pupils accessing Primary Phase LSC provision and ensure a higher number of LSCs are situated within 21st Century School environments. The proposals also seek to address the need to create additional Welsh medium specialist LSC provision, in line with the requirements of the Additional Learning Needs Education Tribunal (ALNET) Act (2018) to develop a bilingual Additional Learning Needs (ALN) system.

- 9.3 Secondary schools hosting LSCs for pupils with ASD are funded via the Council for one specialist teacher and two learning support assistants at an approximate cost of £131,500k per annum per class. Primary schools hosting Early Years LSC's are funded for one teacher and one learning support assistant at an approximate cost of £97,600k per annum. Primary phase Welsh provisions will be funded for one teacher and one learning support assistant at an approximate cost of £97,600k each per annum. To ensure the LA is able to meet the needs of its ALN pupils, funding of approximately £424k is required annually and will be incorporated in the Council's Medium Term Financial Planning arrangements.
- 9.4 The creation and relocation of the LSCs will incur a transportation cost in line with the Council's Learner Travel Policy, however this increase in cost is seen as a necessity in order to enhance provision for RCT's most vulnerable pupils. Costs cannot be quantified at this time as placements are pupil led however given that there will be a net increase in the number of LSC provisions additional funding is likely to be required and will be incorporated in the Council's Medium Term Financial Planning arrangements.

## **10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 10.1 Section 316A of the Education Act 1996 specifies that children with SEN/ALN should normally be educated in mainstream schools if this is compatible with them receiving the special educational/additional learning provision that their learning difficulty requires; the efficient education of other children, and the efficient use of resources.
- 10.2 Section 315 of the Education Act 1996 also requires local authorities to ensure that SEN/ALN provision is kept under review. The ALN Code for Wales (2021) places a statutory duty upon the LA to keep under review the overall Additional Learning Provision (ALP) available in its area and supporting arrangements, to ensure provision is sufficient to meet the overall needs of its population of learners with ALN and that provision is available in Welsh.

## **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 There are links to RCTCBC's Education and Inclusion Services Strategic Plan for 2022 to 2025 and its mission: '*To deliver equity and excellence in Education and enhanced well-being for all*'. The proposal will also support delivery against the five strategic priorities, most notably:

- Strategic Priority 2: Supporting educational settings to deliver a transformational curriculum, high quality teaching and learning and improved outcomes for all.
  - Strategic Priority 3: Ensuring equity and support for vulnerable learners and their families.
  - Strategic Priority 5: Delivering 21<sup>st</sup> Century Learning Environments and innovative services for our learners and communities.
- 11.3 The proposals will ensure there is renewed capacity to focus on prevention which is a key statutory requirement of the Wellbeing and Future Generations Act and a key element of the Council's Corporate Plan.
- 11.4 Due regard has been made to all seven wellbeing goals and the five ways of working, as contained within the [Wellbeing of Future Generations \(Wales\) Act 2015](#) which requires the Council to think about the long-term impact of decisions on communities to prevent consistent issues such as poverty, health inequalities and climate change.
- 11.5 The proposal could contribute towards achieving some of the seven wellbeing goals by:
- **A Healthier Wales** – Accommodation at the proposed host schools will continue to support opportunities for enhanced outdoor spaces. As well as supporting the full range of curriculum activities these facilities are also available for community use.
  - **A More Equal Wales** – Providing enhanced opportunities for pupils to access specialist provision.
  - **A Wales of More Cohesive Communities** – All host schools are fully accessible and integrated community school with a dedicated area designed within so that the local community can safely use the facilities, both during and after the school day.
  - **A Wales of Vibrant Culture and Thriving Welsh Language** – establishing new primary phase Welsh medium LSC provision will support of the Council's WESP.
  - **A Globally Responsive Wales** – pupils will have access to extra-curricular activities which encourage healthy lifestyles for the school and wider community.
- 11.6 The proposal could contribute towards achieving some of the five ways of working by:
- **Long Term** – To ensure that the Council undertakes its statutory duties in relation to the ALNET Act (2018) that requires local authorities to keep under review the arrangements for supporting pupils with ALN within their area and consider whether these are sufficient, including a statutory requirement to take all reasonable steps to create a bilingual system of support for pupils with ALN.
  - **Prevention** – The Council believes that the proposal represents the best opportunity to safeguard and sustain educational standards for the future and provides a platform for further improvement.



- **Integrations** – Host schools are fully accessible and integrated community schools.
- **Collaboration** – The Council will continue to work effectively with internal and external partners to ensure the changes brought about by these proposals will meet the short and long term needs of pupils, parents/carers, staff and the wider community.
- **Involvement** –The proposal is made in accordance with the [School Organisation Code \(2<sup>nd</sup> Edition\) \(011/2018\)](#) and seeks the views of a prescribed list of stakeholders including pupils, parents/carers, staff and the wider community. As such face to face meetings will be arranged with the staff, school councils and governing bodies.

11.7 As stated in 7.1, an Equality Impact Assessment which further details the contribution of the proposal to the [Wellbeing of Future Generations \(Wales\) Act 2015](#) is being prepared.

11.8 The information in the report contributes to the priorities within RCTCBC's Corporate Plan, 'Making a Difference'.

11.9 The proposals will also assist the directorate in achieving Outcome 6 of the Welsh in Education Strategic Plan (WESP), which is to increase the provision of Welsh medium education for learners with ALN.

## **12. STRATEGIC OR RELEVANT TO ELECTORAL WARDS**

12.1 Given the considerable changes in Wales in relation to the statutory provision required to meet the needs of learners with the implementation of the ALNET Act (2018) and the ALN Code (2021) the above proposals to secure additional capacity and resources will ensure that the Council successfully delivers on its statutory obligations, and as such is a strategic proposal relevant to all wards.

## **13. CONCLUSION**

13.1 The proposals to realign LSC provision will ensure that RCT has undertaken its statutory duty under the ALNET Act (2018) to review arrangements for supporting pupils with ALN within the county borough and has identified necessary steps to ensure the sufficiency of its provision for pupils with significant ALN who require specialist placement.

13.2 The proposals support the delivery of the RCT WESP and one of the core aims of the ALNET Act by working towards the development of a fully bilingual ALN system within the county borough.

13.3 The proposals will ensure greater compliance with the Equality Act 2010 and access to significantly improved premises which have benefited from the 21<sup>st</sup> Century Schools Modernisation Programme and investment.

13.4 Following consideration of the responses to the consultation, it is recommended that Members agree to the immediate publication of the attached Consultation Report and agree to give officers approval to publish the appropriate Statutory Notices to progress with the proposals, noting the modification made to the implementation dates of Proposals 1 and 2.

**Other Information:**

**Relevant Scrutiny Committee:**

Education and Inclusion Scrutiny Committee

**Contact Officer:**

Ceri Jones, Head of Inclusion Services

DRAFT

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**A DISCUSSION PAPER FOR A PRIVATE MEETING OF THE CABINET**

**11<sup>TH</sup> SEPTEMBER 2023**

**Item: CONSULTATION ON THE PROPOSALS TO REALIGN ADDITIONAL  
LEARNING NEEDS MAINSTREAM LEARNING SUPPORT CLASS  
PROVISION WITHIN RHONDDA CYNON TAF**

**Background Papers  
Appendix 1 – Consultation Report**

**Officer to contact:  
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