



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2023/24

EDUCATION AND INCLUSION SCRUTINY COMMITTEE

16TH OCTOBER 2023

**AN UPDATE ON YEAR 2 OF IMPLEMENTATION OF THE ADDITIONAL LEARNING
NEEDS AND EDUCATION TRIBUNAL ACT 2018 IN RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL**

REPORT OF THE DIRECTOR OF EDUCATION AND INCLUSION SERVICES

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1. PURPOSE OF REPORT

The purpose of this report is to provide Elected Members with an update on the implementation of the ALNET (Additional Learning Needs and Education Tribunal) Wales Act (2018) and its associated ALN Code for Wales (2021) in Rhondda Cynon Taf (RCT) during the academic year 2022/23.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Scrutinise and comment on the information contained within this report.
- 2.2 Consider if any further information is required.

3. BACKGROUND

- 3.1 Following the enactment of the ALNET Act (2018) and the implementation of associated statutory ALN Code (2021) in September 2021 local authorities (LAs) in Wales are currently entering Year 3 of a phased national ALN Implementation Plan to move from the outgoing Special Educational Needs (SEN) system to the new ALN system.
- 3.2 The overarching aim of the ALN Code is: *'To support the creation of a fully inclusive system where all children and young people are given the opportunity to success and have access to an education that meets their needs and enables them to participate in, benefit from, and enjoy learning'* (ALN Code 2021, Section 3:1).

- 3.3 The new ALN legislative framework ensures that all children and young people from age 0–25 with an identified ALN will have a statutory Individual Development Plan (IDP) which sets out the additional learning provision (ALP) they will receive to address their identified ALN. The legislation also places a statutory duty upon LAs to keep under review the sufficiency of their provision for learners with ALN and to address any identified gaps or areas for improvement. This also includes a statutory duty to develop a bilingual ALN system where all reasonable steps are taken to deliver ALP through the medium of Welsh, increasing the delivery of Welsh medium ALP over time.
- 3.4 Acknowledging the significant demands placed upon LAs to implement such transformational reforms Welsh Government made the decision to take a phased approach to implementing the new legislation over a period of three academic years, initially from September 2020 to August 2023, later revised to September 202 – August 2024 as shown in Table 1.

Table 1: Implementation Phases of the ALNET Transformation Programme 2021-2024

Implementation Phases	Transfer to ALN System for learners currently at School Action/School Action Plus (mandated year groups)	Transfer to ALN system for learners with statements of SEN (mandated year groups)
Year 1 2021/2022	Nursery, Y1, Y3, Y5, Y7, Y10	N/A
Year 2 2022/2023	Nursery, Y2, Y4, Y6, Y8, Y10, Y11	Nursery, Reception, Y6, Y10, Y11
Year 3 2023/2024	Nursery, Y2, Y4, Y6, Y8, Y10	Y2, Y3, Y4, Y5, Y6, Y8, Y9, Y10

- 3.5 On 20th March 2023, the Minister for Education and Welsh Language, issued a written statement reporting on the increasing pressures highlighted to the Welsh Government by a range of stakeholders, including ALNCos, local authorities, special schools, head teachers, and other education and third sector organisations and the need to have more time to embed effective change. Consequently, the Minister decided to extend the implementation of the ALN Act from three years to four years.
- 3.6 The extended ALN Implementation Timetable means that children who were due to move to the ALN system in year 3 between September 2023 and August 2024 as shown in Table 1 above will now move to the ALN system between September 2023 and August 2025. This will not affect timescales for the flow-through to Post-16 provision from September 2023.
- 3.7 Welsh Government continues to provide grant funding to LAs to support ALN Implementation. The aim of the funding is to provide additional capacity to LAs, schools, special schools and PRUs to implement effectively new ALN processes alongside the outgoing SEN processes, develop both local and national collaborations and provide enhanced additional learning provision (ALP) to

support to support children and young people with complex needs. Allocations to Rhondda Cynon Taf since 2020/21 are detailed below in Table 2:

Table 2

	2020/21	2021/22	2022/23	2023/24
ALN	593,285	591,495		
ALN COVID (Learner Provision in 22/23)	727,495	744,029	755,355	757,600
New System funding		597,380	456,648	920,598
ALN special schools and units		356,654	106,642	
	1,320,780	2,289,558	1,318,645	1,678,198

- 3.8 Grant funding continues to be used to support a range of training and quality assurance processes relating to the new ALN system. For example, grant funding allowed the LA to provide backfill to release ALNCo cluster leads for 12 days during academic year 2022/23 to support ALNCoS to develop their knowledge and skills in relation to ALN systems. In response to concerns raised by head teachers and ALNCoS regarding workload, all ALNCoS were provided with 3 days back fill to enable them to engage in cluster working. In addition, schools reported that their school-based grant allocations were used to support to their ALNCo, provide whole school training for staff, enable the school to engage in projects such as Nurture UK and, overwhelmingly, to strengthen collaboration through cluster-based approaches.
- 3.9 A delegated decision was made by the Director of Education and Inclusion Services in discussion with the Cabinet Member for Education and Inclusion Services in December 2021 to approve the deployment of additional funding of £500,000 already set aside by the Council to enable Access and Inclusion to meet its enhanced statutory ALN duties during Year 2 of ALN Implementation. As a result, Access and Inclusion implemented a restructure to introduce a new Additional Learning Provision & Early Years Team and an enhanced Family Liaison and Complex Case Team to its existing structure. The Educational Psychology Team was also enhanced by the introduction of 1 full time Educational Psychologist.
- 3.10 In September 2022 a report was presented to Cabinet to update Members on the implementation of the new ALN legislation during Year 1 of the National ALN Implementation Timetable. The report also identified potential risks and further possible additional resources needed to implement Year 3 of the timetable, ensuring that the LA would be able to fulfil its new statutory ALN duties. Cabinet gave approval to progress with the proposals contained within the report. An update is provided on the above within the body of this report.

4. UPDATE ON IMPLEMENTATION – YEAR 2, 2022-2023

- 4.1 **Transfer from Statements of Special Educational Need (SEN) to Individual Development Plans (IDPs):** By the end of the National Implementation Timetable, non-statutory Individual Education Plans (IEPs) and statutory Statements of SEN will be replaced by statutory IDPs. In 2020/21, RCT maintained 1306 Statements. This increased during Year 1 of the

Implementation Timetable (2021/22) to 1425. (See Table 3). During 2022/23 (Year 2) 531 statements have been closed and, where appropriate, an IDP has been put in place.

Table 3

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23 (as at Sept 23)
Number of statements maintained by LA	1074	1165	1220	1306	1425	894

4.2 Pupils who have transferred to the ALN system and who access specialist placement or who fall within specific categories e.g. Early Years 0-3, Children Looked After (CLA), Education Other Than At School (EOTAS), Elective Home Education (EHE) will have an IDP maintained by the LA. As of 12th September 2023, 534 children and young people have an IDP maintained by RCT LA, 418 of which were transferred from Statements to IDPs during 2022/23. The latest PLASC data (January 2023) indicates that there were 449 school based IDPs at that point in time.

4.3 **Additional Learning Provision (ALP) Team:** The introduction of the 4 ALP Co-ordinators continues to provide essential additional capacity to the Access and Inclusion Service to support both the LA and schools to meet new enhanced statutory duties in relation to the IDP process. Key activities undertaken by the ALP Coordinators in academic year 2022/23 included:

- The drafting of 418 new LA maintained IDPs and 50 review IDPs.
- Facilitating 188 meetings, including Person Centred (PC) meetings and progress reviews in relation to Early Years Children with emerging needs/ ALN.
- Advice/guidance and training for mainstream schools, which included 47 IDP Quality Assurance (QA) sessions held across the academic year, 74 support sessions for PC meetings, 6 IDP drafting workshops attended by 24 schools, bespoke training sessions for schools and meetings with parents.
- Providing 65 support sessions for Special Schools and Pupil Referral Units (PRU) with a combination of bespoke support and training visits and undertaking quality assurance of 250 Special School and PRU IDPs.
- Support for ALNCoS through collaborative cluster-working: ALNCo cluster leads were identified in 2022 and have worked closely with the ALP Coordinators to ensure consistent support for ALNCoS across the local authority and improve communication between Access and Inclusion and schools. 3 formal Cluster Leads meetings have taken place with regular contact throughout the year. 47 cluster IDP drafting sessions have been held for schools alongside quality assuring 279 mainstream IDPs across the academic year. Cluster Leads have produced progress reports for their cluster schools, and these have been monitored by the ALP team. All

Cluster Leads have agreed to remain in post for the second year to ensure this work can be further developed and will be identifying new key priorities.

- Close collaboration with the CLA team through training and IDP drafting. This included Quality Assurance of IDPs and liaison with out of county placements.
- Key role in supporting a range of panel and forum processes.
- Supporting the outgoing SEN system including review and approval of 85 Statements of SEN.

4.4 **Reviewing arrangements for children and young people with ALN:** The ALN Code 2021 places a statutory duty upon LAs to keep under review the arrangements made both by the authority and by governing bodies of maintained schools in their area for learners who have ALN in relation to the identification of ALN and the ALP needed to meet learners' needs.

4.5 The Code states that such a review should support the local authority's strategic decision making as to whether it has the *'correct types, quantity and quality of provision to meet the current and future needs of children and young people with ALN and establish the steps that should be taken to remedy any insufficiencies'* (Section 7.9). This includes the sufficiency of ALP available in Welsh.

4.6 **Quality Assurance:** A key function of the ALP Team is to undertake a range of quality assurance (QA) processes in relation to the effectiveness of provision made for learners with ALN in schools:

Person Centred Practice (PCP) Quality Assurance: The first year of a 3-year PCP QA cycle was implemented during academic year 2022/23. To date 45 PCP QA visits have taken place at individual schools and an interim report completed.

The interim report acknowledges that there are many good PC practices being used in our schools including a range of effective methods to obtain pupil voice and parental views, bespoke PC ALP for individual learners and support from ALNCo to other school staff to develop whole-school PC approaches.

Areas for development include developing review and monitoring processes for PCP, increasing the use of PC tools/resources to develop consistent approaches and further developing processes for gaining parental views.

IDP Quality Assurance: Following on from the intensive support schools have received in relation to IDPs, as detailed in paragraph 4.3, the ALP team quality assured 324 school based IDPs during 2022/23.

Through the QA process good practice was identified in relation to key information included in IDPs regarding the specific needs of individuals, and the ALP identified to meet needs, including levels of support and interventions. It was notable that where schools have engaged fully with the ALP Team for advice and guidance the quality of IDPs was of a higher standard.

Areas for development identified through this process will be fed back to schools through the ALNCo Cluster Leads to enable them to action areas for

development within their clusters. This will be further supported by the ALP Team through drop-in sessions and cluster support sessions.

Provision Map Quality Assurance: A key function of the statutory ALNCo role is the strategic coordination of ALP and ALN resources within their school setting. As such, ALNCoS have received extensive training and support on ALN provision mapping in ALNCo forums, drop-in sessions and targeted 1:1 support.

As part of the LA's mechanisms for keeping ALP under review, ALNCoS/schools are required to submit their updated provision maps to Access and Inclusion on a termly basis. This has enabled the LA to undertake an annual QA process of provision maps over the past two academic years and to help inform the LA's response to referrals from schools in relation to both individual pupils and systemic school support.

Both good practice and areas for development have been identified through the QA process and will be shared via the ALNCo cluster leads, ALNCo forums and drop-in support sessions. Where necessary, targeted support will be offered to ALNCoS.

- 4.7 **Keeping ALP under review:** As part of its statutory review of the overall ALP available within the county borough to meet the needs of its population of learners with ALN (ALN Code Section 7.7), Access and Inclusion undertook a review of the sufficiency of learning support class (LSC) specialist placement provision in RCT during academic year 2022/23. Based on the outcomes of the review and initial consultation Cabinet has given approval to progress to the statutory consultation phase on the following proposals:

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*).

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*).

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.

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.

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.

- 4.8 If successful, the proposals will ensure that the local authority's review:

- addresses an identified need to increase Early Years LSC provision and secondary phase ASD LSC provision
 - improves the quality of the Observation & Assessment LSC provision through relocation to a 21st Century Environment
 - improves provision for pupils in Abercynon and Perthcelyn LSCs by removing the need for unnecessary transition.
 - Increases the availability of Welsh medium LSC provision and ensures specialist provision is available as a continuum throughout primary and secondary phase Welsh medium education.
- 4.9 To address the well documented pressures on special school placements in RCT Cabinet agreed to progress with a statutory consultation for the proposal to open a new 3–19 special school on the current site of the Council Headquarters in Clydach Vale, Tonypany. The new school would provide much needed additional capacity by increasing special school provision within the county borough by 175 individual learner placements.
- 4.10 As the new proposed special school would not be operational until academic year 2026/27, it has been necessary to explore interim measures to ease the current pressures on special school placements. The establishment of an Early Years LSC at Abercynon Community School would provide additional capacity to place children whose ALN is not yet sufficiently explored in terms of identifying the most appropriate specialist provision necessary to meet need. In addition, an agreement is in place with Coleg y Cymoedd and Park Lane Special School to establish a satellite provision for Park Lane post-16 pupils at the Aberdare Campus. This will replicate the well-established and successful post -16 satellite provisions at the Rhondda Campus for Ysgol Hen Felin pupils and at the Nantgarw Campus for Ysgol Ty Coch pupils whilst providing additional capacity for special school placements for pupils aged 3–16 within the main body of Park Lane Special school.
- 4.11 **Development of Welsh medium ALN provision:** One of the underpinning principles of the ALN Code 2021 is the development of a *'bilingual system where all reasonable steps are taken to deliver ALP in Welsh for children and young people who require support through the medium of Welsh'* (ALN Code 2021, Section 3.2). When considering the sufficiency of its ALP in Welsh the Code allows scope for LAs to work proactively to increase their available Welsh medium ALP 'over time'.
- 4.12 In collaboration with schools and other relevant professionals the LA has identified a range of priorities to review and develop Welsh medium ALP which are reflected in Outcome 6 of the LA's Welsh in Education Strategic Plan (WESP). Year 1 actions during 2022/23 included a review of available Welsh medium ALP in Early Years settings and Welsh medium schools and an initial scoping exercise of Welsh medium provision available at Coleg y Cymoedd, proposals to open new Welsh medium LSC provisions, an audit of Welsh medium ALN workforce within Access and Inclusion and specialist settings in RCT and the development of a joint professional development opportunity for head teachers, ALNCoS and Central

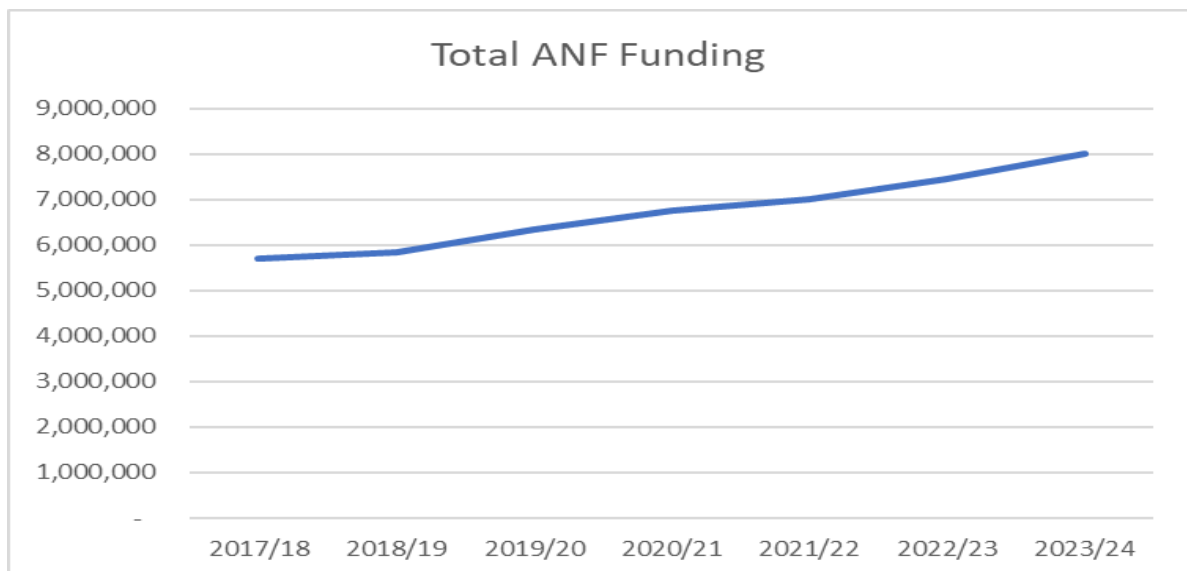
South Consortium Improvement Partners to ensure a shared understanding of effective self-evaluation of ALN.

- 4.13 In addition, consultations were undertaken with Welsh medium staff from Access and Inclusion and Welsh medium ALNCos to gather information on the barriers to providing effective Welsh medium ALP. Barriers identified included: lack of Welsh medium resources, insufficient appropriately trained Welsh speaking ALN workforce and limited Welsh medium specialist provision.
- 4.14 An evaluation of the Year 1 WESP Outcome 6 Action Plan has identified provisional actions for Year 2 (2023/24). These include ensuring that all Teams in Access and Inclusion have Welsh essential posts, improve the uptake of early years settings in Welsh medium ALN training, considering the feasibility of establishing Welsh medium special school hub provision in designated special schools and a review of Welsh medium ALN resources on a local and national basis.

5. ENSURING ENHANCED CAPACITY FUNDING TO MEET NEED

The Enhanced Capacity Funding (ECF) delegated to schools (formerly ANF - Additional Needs Funding) has continued to increase in 2023/24 financial year by approximately 13%. (See Graph 1). This is in line with the previous 5 financial years ensuring that the budget reflects the growth in complexity of need amongst pupils with ALN and continues to supplement schools' overall delegated budgets to enable them to make appropriate ALP for their learners as stipulated in their IDPs.

Graph 1: Delegated Enhanced Capacity Funding (ECF) for schools:



- 5.1 Additional learning provision (ALP) identified in IDPs for children aged 0-3 in early years settings must be funded by the LA. As anticipated, there has been a growth in the required ECF for this cohort from approximately £21k in financial year 2022/23 to £42,553 in 2023/24 (to date). This will require

further monitoring and provision made for a continuing potential growth in Early Years ECF during the next financial year.

- 5.2 As the National ALN Implementation Timetable has only recently been enacted for pupils aged 19-25 who are attending an FEI there has not been any expenditure incurred for Enhanced Capacity Funding requested by FEIs to assist them in meeting the ALP of learners. However, this is likely to change as we progress through Year 3 of Implementation. This will require the LA and the local FEIs to agree robust processes and clear eligibility criteria to ensure fair and transparent decision making. At this early stage in the implementation of the ALN system for the 19-25 cohort it is still not possible to estimate the additional cost to the council in relation to post-19 ECF.

6. MEETING ENHANCED STATUTORY RESPONSIBILITIES IN THE EARLY YEARS (0-3)

- 6.1 **Early Years Forum:** Referrals to the Early Years Forum (EYF) remain high for the second year since implementation, with 175 new referrals received during 2022/23 (179 in 2021/22), of which 46 referrals resulted in the completion of IDPs. This is an increase of 8 IDPs compared to academic year 2021/22. A further 45 referrals identified the likely need for an IDP to be initiated on attendance at a pre-school or school setting.
- 6.2 **Specialist Placement:** As anticipated, due to the number of children aged 0-3 being identified as having ALN, there has been an increase in the number of Early Years children requiring specialist placement in a LSC and/or special school from 20 in 2021/22 to 29 in 2022/23. Hence the current school organisation proposals to increase both early years LSC and special school provision in the LA.
- 6.3 **Early Years ALN Transition:** In recognition of the importance of effective transition for pre-school children with ALN from their early years provision into a school setting, and the continuing high number of referrals to EYF, Access and Inclusion increased the capacity of the Early Years Transition Support Service (EYTSS). EYTSS provides enhanced transition support to mainstream schools to meet the needs of incoming early years learners with ALN. In an evaluation of the Service undertaken in Summer 2022, 94% of schools reported that the service was useful and that the child was well supported through transition.

During academic year 2022/23 EYTSS received 108 new transition referrals and worked with schools to support a total of 223 children. This a significant increase from 100 children during the previous academic year. In addition, the Service made 630 supportive visits to schools and early years settings, attended 184 Early Years Team Around the Child Meetings to advise on ALP. EYTSS work closely with the Family Liaison and Complex Case Team (FLACC) to support families with starting school.

EYTSS report schools are engaging more proactively with the Service and are demonstrating a better understanding of effective transition for early years children with ALN. As a result, many schools are now initiating Early Years

Team Around the Child meetings independently and are using advice and support from EYTSS to inform their graduated response and IDP content.

Actions identified by EYTSS to further improve Early Years ALN Transition processes during 2023/24 include the introduction of a termly Transition Forum for schools and pre-school settings, transition training to upskill schools and settings to implement Early Years ALN Transition processes independently and a follow-up evaluation with stakeholders.

6.4 **ALN Early Years Advisory Teacher (ALN EYAT):** This post has been operational since September 2022 following Cabinet approval to enhance the capacity of Access and Inclusion to support the new statutory 0-3 age ALN cohort. Key activities undertaken by the EYAT during academic year 2022/23 include:

- 96 support visits to pre-school settings, including direct support for 74 children in early years settings.
- Support for settings/relevant professionals to ensure referrals to EYF are timely and appropriate, successfully decreasing the number of inappropriate referrals and subsequent referral rejections.
- Supporting the Early Years IDP process through attendance at Person-Centred Meetings, IDP progress reviews and Early Years Team Around the Child Meetings.
- Delivery of training, drop-in sessions and support clinics resulting in support for 26 Early Years settings, ensuring that consistent messages are being delivered regarding statutory duties and ALP and providing supporting evidence and professional advice to the EYF and Transition Panels.

Positive impact of this support has been evident through the quality of referrals to EYF and the appropriate and meaningful support children are receiving in the settings to meet identified needs.

Actions identified for further development of the role in 2023/24 include the development of additional training based on the professional development needs identified through feedback from settings and schools in 2022/23 and devising a process for monitoring the longitudinal impact of ALN training upon the quality of provision in Early Years settings.

7. **MEETING ENHANCED STATUTORY RESPONSIBILITIES IN THE 19-25 AGE RANGE**

The new statutory ALN duties for young people with ALN in the 19-25 cohort were enacted in September 2023 for those young people who transferred to the new ALN system by 30th August in line with the national ALN implementation timetable.

7.1 Through Welsh Government ALN Grant funding Access and Inclusion funds a part time Post-16 ALN Project Manager who has extensive experience of working with students with SEN/ALN in the Further Education (FE) Sector. This

post has provided valuable additional capacity and expertise to work collaboratively with the FE ALN Sector both regionally and on a national basis, supported by the Welsh Government FE Implementation Lead.

7.2 Update on 2022/23 post-16 workstreams:

Scoping of numbers of learners who express a clear preference to progress to FE during academic year 2023/24

The Post-16 ALN Lead Officer worked closely with the local FEIs and schools, and other agencies such as Careers Wales, to track destinations of pupils with an ALN in their final year of compulsory schooling. Outcomes of year 11 IDP reviews and transition planning meetings helped identify learners seeking to apply to college. Accurate information on the destinations of school leavers with a LA maintained IDP is important to deal effectively with the transfer of responsibility from the LA to a FEI. RCT now has an agreed process in place with the local FEI for making this official request in writing. At the time of writing, there were 35 young people in receipt of a LA maintained IDP in 2022/23 who enrolled in a FEI as indicated below in Table 4:

Table 4

FEI	Number of learners with an LA maintained IDP enrolled at an FEI (as of September '23)*
Coleg y Cymoedd	32
Bridgend College	2
Petroc College (England)	1

**These numbers can change with late enrolments*

Establishment of a multi-agency post-16/19 ALN steering group with representation from LA services, Health, and FE colleges.

RCT's ALN Post-16 Steering Group was launched in January 2023. Core membership consists of key representatives from schools, the local FEI, Health, Careers Wales, and a range of LA services. The group has developed an ambitious but realistic Development Plan which identifies key priorities and time scales (see below).

Undertake a post-16 enhanced transition pilot for learners with ALN in mainstream and specialist settings.

This was a joint pilot implemented by the LA and Coleg y Cymoedd. In line with the aims of the ALN Code, which requires much closer working practices between pre- and post-16 sectors, schools now have named links with the local college and a greater understanding of the learning support and transition arrangements available. Information and training sessions with ALNCoS and specialist school staff took place in face-to face meetings in schools, online sessions, and a workshop presentation at the ALNCo forum. An online session was also held for Careers Wales advisors. New ALN transition posts have been introduced to the Coleg y Cymoedd staffing structure, providing greater capacity to liaise with schools and support vulnerable learners in their final year of compulsory schooling who are considering going to college. In addition, written resources to support this

process, such as a 'Learner Information Guide to Enhanced Transition' have been developed.

Following the pilot, Coleg y Cymoedd report that 88 RCT school leavers benefited from an Enhanced Transition into Coleg Y Cymoedd for academic year 2023/24.

Work continues this academic year on running 'Multi-Agency Transition Screening Meetings' (MATSMs) in schools, to improve timely information sharing and the effective involvement of professionals, services, and organisations to support the learner in their transition.

Working group to develop a collaborative graduated response for supporting FE learners in terms of universal and additional learning provision and thresholds for implementing college based and LA funded IDPs.

A key workstream identified in the Post-16 ALN Steering group's Development Plan, is the development of a graduated response to support learners in college. Developments include:

- An information sharing event hosted by the college to give the LA a clear picture of its Universal and Additional Learning Provision.
- Agreement between Access & Inclusion Senior Management Team and Coleg y Cymoedd ALN team on the identification of ALN and 'thresholds' for implementing college based and LA funded IDPs.
- Sharing LA ALN resources with the college to ensure a consistent approach.
- Training provided to college staff by the Access and Inclusion ALP Team to support the college in undertaking the statutory IDP process.
- The development of an agreed Process Chart outlining 'Y11 transition Process.'
- Attendance of college staff at RCT ALNCo cluster groups and ALNCo forum to increase awareness of college provision.

7.3 Current post-16 workstreams: Four overarching development priorities have been identified by the Post-16 ALN Steering Group and form the basis of the 2023/24 Post-16 ALN Development Plan as follows:

1. Identify future needs of young people in RCT leaving statutory education, to inform future planning.
2. Develop consistency of practice in the transition of young people from RCT Learning Support Classes, PRU and Special Schools to FEI.
3. Develop operational processes to support the LA and partners to deliver statutory duties in relation to young people post-16 and criteria for when it would be reasonable for the LA to secure ALP.

4. Provide consistent and transparent information and advice about post-16 options available within RCT for young people aged 16-25 with an ALN.

Progress to date includes the creation of a Post-16 ALN forum, the development of processes to support and manage referrals for potential specialist college placements and guidance for schools, young people and their families on the transfer of a school IDP to a college based IDP.

7.4 **Post-16 Independent Specialist Post-16 Institution (ISPI) Placements:**

Historically Welsh Government has been responsible for agreeing and funding placements for young people with learning difficulties aged 16 to 25 who require access to highly specialist post-16 college provision. This responsibility will now transfer to LAs. The process for devolving the specialist college budget and responsibility for determining eligibility criteria/processes for agreeing placements commenced this academic year 2023/24, with the LA now being responsible for making decisions regarding placements at ISPIs for young people in the ALN system.

An interim funding mechanism and reporting schedule to WG is in place and WG anticipate that funding will fully transfer to LAs by the end of the 2024 to 2025 school year, although final confirmation has not been received as yet.

This will create significant new duties for the LA in assessing and meeting the reasonable education and training needs of young people via the newly established Post-16 ALN Forum. The forum will need to make decisions relating to identifying the specific ALN of individual young people, the preparation and maintaining of IDPs, securing placements at ISPIs and for agreeing the costs, terms and conditions of the young person's programme of study.

In turn the Welsh Government will reimburse local authorities for the costs of the education element of the placement via the Local Authority Education Grant Funding from the 2023 to 2024 financial year onwards. However, it is the responsibility of the LA to secure joint funding for costs related to transport, medical, domestic, or social care.

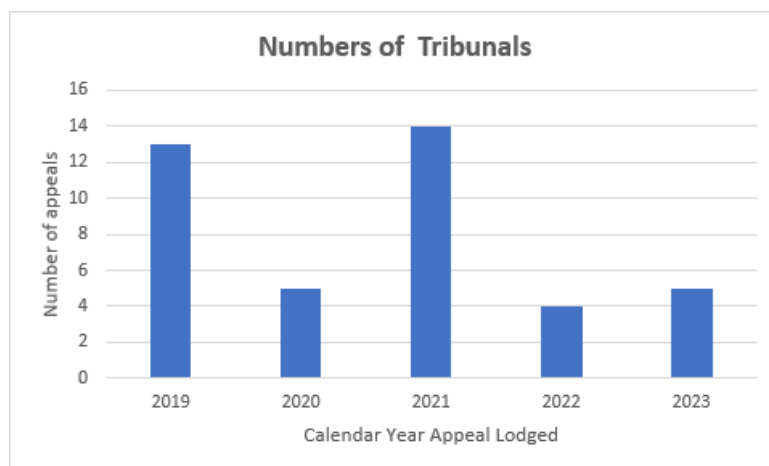
The ALN Code is clear that if needs can be met locally at a maintained school or FEI, this should be the first choice. There is further scope for the LA (Education and Social Care departments) and local FEIs and Health Boards to work in partnership to explore opportunities to improve the local offer for young people and thus reduce the need for them to leave their community and local services. This is a complex area and requires time and financial commitments of all partners. RCT submitted a nil return to Welsh Government for 2023-24 ISPI placements. Historically, there has been a small number of young people with significant and complex ALN from RCT accessing highly specialist college provision. However, with increased awareness of the new statutory 19-25 age range within the Act, together with the uncertainty that the transfer of funding responsibility from WG to LAs may bring, it is possible there will be an increase in the number of young people and their families expressing a preference to attend an ISPI. It is important, therefore, that the LA continues to adopt a proactive approach in identifying and managing potential applications.

8. **AVOIDING DISAGREEMENTS AND EARLIER DISAGREEMENT RESOLUTION**

Within the three overarching principles and the 11 core aims of the ALN legislation there is a requirement for LAs to implement a fair and transparent system for providing information and advice to families and children and young people and to resolve concerns and appeals at the earliest opportunity. Additional funding approved through the delegated decision of the Director of Education and the Elected Cabinet Member for Education enabled Access and Inclusion to create two new posts to create two new posts, a Complex Case Manager and a Family Liaison Officer, to form the Family Liaison and Complex Case (FLACC) Team in September 2022. The FLACC Team is key to ensuring more effective liaison and collaboration with families, parents/carers and a range of other stakeholders, such as Children’s Services, the Local Health Board and local parent/community ALN groups.

- 8.1 Over the past academic year the FLACC Team has worked with 197 families, supporting them to understand ALN Panel and referral outcomes, to support with school based ALN concerns and to provide advice, guidance and signposting for families to a range of services. Individual case work has been effective in providing early dispute resolution to avoid escalation to formal tribunal appeals. Although it is not possible to quantify the actual number of disputes that would have resulted in a formal Tribunal appeal to Education Tribunal Wales if it had not been for the early intervention of the FLACC Team, the number of tribunal appeals lodged against the LA during the last calendar year remained low compared to previous years (See Graph 2 below). It is notable that the number of appeals to the Special Educational Needs and Disability (SEND) Tribunal doubled over the first four years of implementing the SEND reforms in England from 2014.

Graph 2



- 8.2 In addition to individual case work, the FLACC Team work systemically via a Family Engagement Plan to engage parents, families and other stakeholders through planned activities. Activities undertaken during 2022/23 included parent information sessions on understanding the ALNET Act and ALN Code, meeting with parent groups across the county borough and internal service areas to ensure families receive consistent and accurate information about Access and Inclusion processes and available ALP. Feedback received has been positive and has

resulted in stronger relationships between the LA and parent/carers and ongoing regular planned meetings with some parent groups.

- 8.3 The 2023/24 Family Engagement Plan aims to build upon the work undertaken during 2022/23 and includes actions to work with a wider range of LA services and community groups, to provide joint information sessions with SNAP Cymru, the independent parent partnership organisation commissioned by the LA, and the development of a pupil voice project in collaboration with the Youth Engagement and Participation Service (YEPS).

9. VIRTUAL SCHOOL FOR CHILDREN LOOKED AFTER

Following the publication of a research paper by Sir Alasdair Macdonald commissioned by Welsh Government – *An integrated approach to improving educational outcomes for looked after children in Wales* - the LA is currently embarking on Year 2 of a Virtual School Model pilot for supporting CLA learners. The paper sets out five recommendations including one to develop a Welsh Virtual School Model replicating the well-established statutory Virtual Schools in England. The key role of the Virtual School is to promote the educational achievement of CLA.

- 9.1 The RCT Virtual School, led by the Virtual School Head Teacher, has put in place a range of robust mechanisms to ensure CLA learners with ALN receive appropriate access to ALP in line with the requirements of the ALN legislation. Developments over the past academic year include the implementation of a CLA IDP QA process, the development of a revised Personal Education Plan (PEP), the creation of a Virtual School Power BI data dashboard to enable the Virtual School Head Teacher to track the attendance of CLA pupils in every school in RCT and enhanced scrutiny of the use of the PDGLAC. The Virtual School also has responsibility for RCT CLA learners educated outside of the county borough. To this end, the Virtual School has developed an Out of County Monitoring Protocol to ensure robust monitoring and challenge in relation to CLA learners' academic progress, wellbeing and learning experiences and to ensure compliance with ALN duties.

10. EQUALITY AND DIVERSITY IMPLICATIONS

- 10.1 An Equality Impact Assessment is not required as the contents of this report are for information purposes only.

11. WELSH LANGUAGE IMPLICATIONS

- 11.1 One of the underpinning principles of the ALN system as set out in the ALN Code (Wales) 2021 is 'a bilingual system where all reasonable steps are taken to deliver ALP in Welsh for children and young people who require support through the medium of Welsh, with scope for increasing the delivery of ALP in Welsh over time'. Therefore, the LA has a responsibility to comply with the statutory duties imposed by the Act about to review the sufficiency of its ALP in Welsh and work towards developing a fully bilingual system.

12. CONSULTATION / INVOLVEMENT

- 12.1 No consultation exercises have been undertaken. The report is for information purposes only.

13. FINANCIAL IMPLICATIONS

- 13.1 There are no financial implications contained within this report.

14. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 14.1 There are no legal implications aligned to this report.

15. LINKS TO THE COUNCIL'S CORPORATE PLAN/OTHER CORPORATE PRIORITIES/WELLBEING OF FUTURE GENERATIONS ACT

- 15.1 The report reflects the mission outlined in RCTCBC's Education and Inclusion Services Strategic Plan for 2022 to 2025 '*To deliver equity and excellence in Education and enhanced wellbeing for all*' and compliance with statutory ALN legislation and delivering high quality, effective ALP supports delivery against the five strategic priorities within the Plan, in particular:

- 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.

- 15.2 Through the activity outlined in the report the Education Directorate will support the delivery of two of the three priorities of the RCT Corporate Plan 2020 – 2024 'Making a Difference':

- Ensuring PEOPLE: are independent, healthy and successful.
- Enabling PROSPERITY: creating the opportunity for people and businesses to: be innovative; be entrepreneurial; and fulfil their potential and prosper.

- 15.3 Organising services to focus on early intervention and prevention is a key statutory requirement of the Wellbeing and Future Generations Act 2015 and a key element of RCTCBC's Corporate Plan.

16. CONCLUSION

As we embark on Year 3 of the National ALN Implementation Timetable the Access and Inclusion Service will ensure that it works collaboratively with all relevant stakeholders and partners to continue to meet the LA's statutory duties as set out in the new ALN legislation. An evaluation of key actions undertaken to implement the third year of transition from the SEN system to the ALN system will

inform both strategic and operational priorities for the fourth and final year of the National Implementation Timetable in academic year 2024/25.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

EDUCATION & INCLUSION SCRUTINY COMMITTEE

16TH OCTOBER 2023

**AN UPDATE ON YEAR 2 OF IMPLEMENTATION OF THE ADDITIONAL LEARNING
NEEDS AND EDUCATION TRIBUNAL ACT 2018 IN RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL**

**REPORT OF THE DIRECTOR OF EDUCATION
AND INCLUSION SERVICES**