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| Report to | Performance Scrutiny Committee |
| Date of meeting | 26th September 2024 |
| Lead Member / Officer | Diane King (Lead Member for Education, Children and Young People), Geraint Davies (Head of Education) |
| Report authors | Ruth Thackray and Joseph Earl |
| Title | Additional Learning Needs (ALN) Transformation Update September 2024 |

1. What is the report about?

- 1.1. The report provides a further update on the progress made to ensure the Local Authority and schools are meeting their statutory requirements under the Additional Learning Needs and Education Tribunal (Wales) Act, 2018.

2. What is the reason for making this report?

- 2.1. To provide information regarding the actions taken to ensure the Local Authority and schools are meeting their statutory requirements under the Additional Learning Needs and Education Tribunal (Wales) Act, 2018 that started in September 2021 and is being implemented until 2025. ([Following Ministerial announcement on implementation timescales](#))

3. What are the Recommendations?

- 3.1. Scrutiny are invited to discuss the details of this report and to identify any aspects of the transformation work which may benefit from detailed examination in the future.

4. Report details

Context

4.1. The Additional Learning Needs and Education Tribunal (Wales) Act, 2018 is replacing the Special Educational Needs Code of Practice for Wales (2002). The Act is supported by regulations and an ALN Code. The Act replaces the terms 'special educational needs' (SEN) and 'learning difficulties and/or learning disabilities' (LDD) with the new term 'additional learning needs' (ALN). This will replace previous plans, such as Individual Education Plans (IEPs), Statements of SEN and Learning and Skills Plans.

Progress

4.2. **The effectiveness of the funding provided to schools to meet the Act's requirements** - School Inclusion (including ALN) funding is fully delegated to schools as agreed in the school budget forum, based on a 3-year rolling average following moderation of Provision Maps from schools. This allows schools to plan more effectively and be responsive to learners who need support. Following consultation with schools, the LA has committed to reviewing the mechanism for allocating Inclusion (including ALN) funding due to the workload that completing and moderating Provision Maps entails. A Task and Finish group will be set up during this Autumn term 2024 to explore and propose funding mechanisms to the School Budget Forum.

Progress made in recruiting and supporting Educational Psychologists -

Nationally it is understood that there will be an increased workload through the introduction, implementation and embedding of the ALN reforms. Denbighshire currently employ 4 full time Educational Psychologists, which is lower than the nationally recommended ratio. The LA are in the second year of sponsoring a member of staff through the three-year course, which will result in an additional Welsh speaking Educational Psychologist from September 2026. Not having sufficient Welsh-speaking staff is a risk to key Authority legislative duties and reforms. There is a concern on the recruitment numbers of Educational Psychologists across Wales; Denbighshire have written to Welsh Government to share their concerns over this lack of training opportunities.

4.3. School-based educational practitioners' feedback on the resources and support provided to schools with a view to meeting the Act's additional requirements -

School Readiness and Training – The LA continues to provide support and guidance to schools where required, through ALN Coordinator (ALNCo) meetings, ALNCo cluster meetings and online platforms such as SharePoint. Bespoke support is given where requested or deemed appropriate. Strong collaborative working relationships with the special schools and the Pupil Referral Unit (PRU) enable the LA to respond well to the increasing needs from schools and to share expertise. The LA also collaborates effectively with LAs across the region to share best practice.

Curriculum Task and Finish Group – The LA has been working on a specific project funded by the Welsh Government to look at how the Curriculum for Wales and the ALN Code for Wales can be further aligned to meet the needs of learners. Representatives from schools and across the LA teams have met and as a result, a common understanding on how schools are designing inclusive local curricula to support all learners to progress is developing.

Grant Funding - Grant funding from the Welsh Government continues to be delegated to schools and by the LA, in line with terms and conditions, to support the implementation of the ALNET Act (2018).

4.4. Staff recruitment and retention matters relating to the implementation of the Act's requirements – The LA is continuing to utilise grant funding from the Welsh Government to fund extra ALN Advisory Teachers to support the statutory duties under the Act. Whilst there is grant funding to support schools with the implementation, there is also recognition that there are still significant pressures on the school workforce, in particular ALNcos.

5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

5.1 This area of work contributes towards making Denbighshire a healthier and happier place where young people want to live and work and have the skills to do so. It also contributes to make Denbighshire a place where young people can learn and grow,

in a fair and safe environment and have the best start in life regardless of any additional learning needs they may have.

5. What will it cost and how will it affect other services?

5.1. DCC ICT are supporting Education Services and schools with the Eclipse IT system. We will continue to use Welsh Government Online Individual Development Plan (IDP) grant funding to support the ongoing costs of housing the IT system.

5.2. The LA continues to utilise Welsh Government grants effectively to support the LA and schools in implementing the ALN reforms. Welsh Government have previously increased funding allocated for ALN implementation from £6.6m to £12m, and implementation timelines have been extended to the end of academic year 2024-25. This is in acknowledgement of the increased demands on the workforce to respond to the needs of children and move children from SEN to ALN alongside establishing inclusive education practices in the school. This level of funding will also be available in 2024-25. LA central ALN grant funding has however remained static.

Two temporary ALN Advisory teachers are in place until August 2025 to support implementation of the ALN Code and ALNET Act (2018) across the LA. Staffing discussions are ongoing to support the implementation work.

5.3 Consideration of Educational Psychology capacity is detailed in section 4.

6 What are the main conclusions of the Well-being Impact Assessment?

7.1. A Well-being Impact Assessment will generally be required for decisions or proposals for change in order to comply with the Equality Act 2010, the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language Standards. Welsh Government have impact assessed ALN Transformation journey.

7 What consultations have been carried out with Scrutiny and others?

8.1 Discussions (where applicable) with trade unions and head teachers continue to provide forums for honest discussion. We work with a range of stakeholders, including parental groups, Health, Further Education Institutes to share and receive comment on the continuing implementation of the ALN reforms.

9 Chief Finance Officer Statement

9.1 All costs will need to be met from existing delegated budgets to schools, Education budget and also grant funding that has been made available from Welsh Government.

10 What risks are there and is there anything we can do to reduce them?

10.1 We previously reported pressures in the Educational Psychology team and Additional Learning Needs teams and mitigated the risks as highlighted in section 4 and 6.

10.2 Pressure in the ALN team due to conversions required and number of cases continues to be a risk however recruitment of extra temporary members of staff has helped.

10.3 The funding arrangements are currently being discussed at a national level with regards to the Independent Special Post 16 Institutions (ISPI). Had the first proposal been accepted, Denbighshire would be financially impacted negatively. Following the raising of concerns and a report written and delivered by the North Wales region's LAs, Welsh Government have agreed to review the processes again. We await their decision and will participate in any further discussions.

10.4 A consistent interpretation of the ALNET Act (2018) and ALN Code for Wales continues to be a priority for all stakeholders. Denbighshire have engaged regionally and nationally to gain further clarification in this area through meetings with Welsh Government. The LA have also met with Estyn inspectors to discuss ALN and to feed into the thematic report due to be published later this year.

10.5 Workload implications on schools are continuing to be a factor due to the extra responsibilities on schools under the Act and the associated administration. The LA is supporting schools with guidance, facilitating cluster approaches and providing bespoke training where needed.

11 Power to make the decision

11.1 Powers in relation to matters detailed in this report are as per:

- Section 21 of the Local Government Act 2000;
- Section 7 of the Council's Constitution