



EDUCATION SCRUTINY COMMITTEE - 28TH MARCH 2023

SUBJECT: ADDITIONAL SUPPORT DELEGATION

**REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE
SERVICES**

1. PURPOSE OF REPORT

1.1 This report provides an update for Members regarding the progress of the Local Authority (LA) in relation to the delegation of additional support to schools.

2. SUMMARY

2.1 A priority for the Education Directorate is ensuring compliance with the ALN Act and Code and ensuring that statutory duties for pupils with ALN are met. Neighbouring authorities and LAs across Wales have delegated additional support funding to schools. In Caerphilly funding for additional support for schools has historically been retained centrally.

2.2 Over time there have been attempts made to work with schools to model a scenario to distribute funding to schools.

2.3 The Additional Learning Needs and Education Tribunal (Wales) Act (2018) provides an ideal opportunity for the additional support allocation process to be refreshed.

2.4 The budget for additional support is currently £4.1 million; this includes the employment of centrally employed teaching assistants. Schools utilise the funding to support them to undertake their responsibility for ALN provision.

2.5 A working group with LA officers, Primary and Secondary Head Teachers was re-established in October 2022 to take this work forward. In order to gain support from schools for a model of delegation LA officers identified the need to increase funding in this area, thus demonstrating a recognition of the concerns raised by schools.

2.6 The Head Teachers in the working group have agreed an approach that will be shared more broadly with all Head Teachers with a view to potential implementation from September 2023 or April 2024, subject to further discussions and the required consultation process.

3. RECOMMENDATIONS

- 3.1 Scrutinise the contents of the report and, if they are so minded, support a recommendation to Cabinet of the LA's intended approach to the delegation of additional support funding to schools.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 Members are asked to support the approach of the LA in order that the statutory duties of schools / education provisions and the LA are effectively met and all children with ALN have their needs identified and met with appropriate provision.

5. THE REPORT

- 5.1 Ensuring compliance with responsibilities in relation to the ALN Act (2018) and associated Code is a priority for the Local Authority (LA) and schools.
- 5.2 LA currently retains a central budget of £4.2 million which includes the employment of centrally employed teaching assistants to support school to undertake their responsibility for ensuring ALN provision is in place to meet need.
- 5.3 The current model of support is managed by the LA through a robust panel process based on information provided by schools.
- 5.4 The principle of the group was to find solutions to barriers and inequities within the existing system enabling schools to:
- effectively plan and manage their resources
 - respond flexibly to the identified needs of their school
 - develop provision that is fit for purpose
 - monitor and evaluate impact on pupil outcomes
 - ensure value for money
- 5.5 The delegation of additional support group was established to re-explore a model for delegation with head teacher representatives from across primary and secondary phases. Over time there have been many different scenarios or formula's modelled to distribute this funding to schools. In all scenarios there are always some schools that appear to have less funding than allocated through the presenting funding system and some that will have more.
- 5.6 Year on year additional support has been overspending by around £500k, but this has in effect been funded by capacity in the out of county budget, with pupils remaining within the Authority's schools.
- 5.7 In addition to LA / Agency employed staff, schools have received devolved funding to support additional staff hours to support pupils. In 2021-22 £1.8m of funding devolved to schools (following panel decisions) supported staffing requirements. However, the rate that is devolved to schools is below the current hourly rate that centrally employed staff are employed at. This is a significant issue within schools and is being raised increasingly with LA Officers. Based on recent levels of devolved funding it is estimated that circa £1m would cover this differential. As part of the

Authority's budget planning for 2023/24, additional funding of £1m was recently approved by Council (23rd February 2023 – Budget Report 2023/24).

- 5.8 Finance officers have developed models for the distribution of funding on the basis of an increase of £1.5m. This increase addresses the pressure on budgets in recent years. To confirm £1m equates to budgetary growth and £0.5m is the realignment of budget within the budget for Vulnerable Learners (£0.5m from the Out of County budget to the Additional Support Budget).
- 5.9 The group agreed delegation should be explored through modelling a number of formula options. LA officers developed options based on criteria including ALN, Free School Meals (FSM), vulnerability and pupil numbers. Modelling was based on comparisons to the 2021-22 actuals and included the additional £1.5m.
- 5.10 The models were shared with the group and modifications made based on feedback. The group also agreed an element of funding would be retained centrally as a contingency to address specific exceptional circumstances that may arise. Despite modelling many options there is no scenario within the financial envelope where all schools will receive funding greater than the benchmark used. That said the benchmark is based at a specific point in time and we recognise that the type and levels of support will change from year to year within a school.
- 5.11 The group identified several challenges through discussion:
- Establishing a clear & transparent model for delegation.
 - A funding allocation as part of the school formula which would support effective planning and management of school resources for all pupils.
 - Securing additional funding.
 - Identifying issues of losses and gains and understanding any particular issues in those schools that need to be considered to inform the model.
 - Identifying a rationale for managing losses and gains.
 - Identifying and supporting any HR issues.
 - Identifying the rationale and criteria for the use of contingency.
 - Establishing a realistic timeline for implementation.
 - Seeking a solution for the distribution other aspects of the secondary social need's calculation.
- 5.12 On the basis of the work with Head Teachers, four options were presented to the working group. In the options identified below, deprivation was discounted due to funding from other grant streams to support pupils.
- Option 1 – based on pupil population
 - Option 2 – based on pupil population but prior to the distribution, a lump sum allocation to a small number of schools supporting a disproportionate number of pupils with Autistic Spectrum disorder and or Pathological Demand Avoidance
 - Option 3 – based on pupil population but prior to the distribution, a lump sum allocation to schools under 90 pupils
 - Option 4 – based on a combination of 1, 2 and 3
- 5.13 Head teachers identified benefits of option 1 and option 4 as appropriate methods of distribution. Anonymised figures shared indicated significant implications in terms of gains and losses leading to further work to scrutinise these particular issues at either

end of the distribution. Officers reviewed each school individually to further inform the model working on a proposal considering tapering percentages linked to three year average and pupil numbers. This is scheduled for further discussion with the group.

- 5.14 It is also proposed that the schools identified as receiving a reduced allocation could receive top up support for 12-month period which could equate to around £520k. This will require further discussion and the appropriate approval.
- 5.15 Based on discussions the group has identified several benefits in proceeding with either of the identified models:
- Flexibility for schools to manage budgets to ensure the needs of all pupils are met.
 - A more responsive approach to resourcing provision to meet need.
 - Opportunity to recruit and train staff.
 - Less bureaucratic processes as the requirement for additional support discussions at panel will cease.
 - Greater flexibility for staff time in schools and LA thus allowing LA time to be utilised differently to support schools.
 - Helping to support schools to deliver their duties under the ALN Act / Code which states "In nearly all cases, the school should be able to provide, arrange and develop the provision required to meet the needs of ALN pupils using a more holistic / whole school approach".
 - Takes into consideration circumstances of a school i.e. it's location, size, budget, experience could affect whether it would be reasonable for a school to secure the provision (as outlined within the ALN Code)
 - Clear / consistent messages to parents/carers around the provision available in school.
 - Quicker responses / resources to meet the needs of learners.
- 5.16 An update on the work to date has been provided for Trade Unions and this dialogue will continue as implications are identified. An update has also been provided to Education SMT.
- 5.17 A further meeting of the working group is scheduled to:
- Share the updated modelling
 - Update regarding any agreement for additional funding
 - Schedule discussions with HR to work through any identified staffing issues linked to the agreed model
 - Agree a position by the end of March to take forward for wider consultation including implementation timescales.
- 5.18 **Conclusion**
- 5.19 LA Officers and Head Teachers, working together with HR have agreed to delegate additional support to schools and are currently finalising the approach through an agreed model.
- 5.20 The activity of the working group will be finalised and further consultation undertaken with all Head Teachers with a view to finalising staffing arrangement and timescales.

6. ASSUMPTIONS

6.1 In considering the recommendations the following assumptions have been made:

- Meeting the ALN of children and young people 0 – 25 years is a key statutory duty of the Council and as such developments must be reported to scrutiny to ensure that members are kept informed.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 This report is provided in order to ask Members to support the intended approach to delegation and support a recommendation to Cabinet. This work is ongoing and therefore an Integrated Impact Assessment has not been completed. An integrated impact assessment would be provided for the final Cabinet decision on completion of the work.

8. FINANCIAL IMPLICATIONS

8.1 As part of the Authority's 2023/24 budget planning, an additional £1m has been approved to support the pressures presented. In addition an amount of £0.5m will be realigned within the Education budget. In total an additional £1.5m will be added to the additional support budget in financial year 2023/24.

9. PERSONNEL IMPLICATIONS

9.1 The delegation of additional support will have workforce implications and a potential associated cost. Work is ongoing with HR to identify any issues that arise as a result of the proposed or agreed model for delegation and the LA will continue to work with Officers and schools to ensure these implications are addressed.

10. CONSULTATIONS

10.1 The report reflects with views of the consultees.

11. STATUTORY POWERS

11.1 Additional Learning Needs and Tribunal Act (Wales) 2018
Well-being of Future Generations (Wales) Act 2015
Education Act 1996
Equality Act 2010
Social Services and Wellbeing Act (2014)
United Nations Convention on the Rights of the Child.

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