



CABINET - 19TH APRIL 2023

SUBJECT: ADDITIONAL SUPPORT DELEGATION

**REPORT BY: CORPORATE DIRECTOR FOR 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. RECOMMENATIONS

3.1 Cabinet Members are asked to: -

- a) consider the information contained in the report and to offer views and comments;
- b) endorse the approach to be taken in regard to exploring the delegation of additional support funding to schools and the possible operational models.

4. REASONS FOR THE RECOMMENDATIONS

4.1 Cabinet Members are asked to endorse 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 though 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 of 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 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 exploring the delegation of and models for additional support funding to schools. This work is ongoing and therefore at this stage there is no one model upon which to base an Integrated Impact Assessment. An integrated impact assessment will be provided with a final report for the agreement of Education Scrutiny and 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 Additional Support Delegation report was considered by the Education Scrutiny Committee on 28th March 2023. The Chair queried why an Integrated Impact Assessment had not been carried out at this stage and yet one would be included for Cabinet consideration when the work was completed. The Lead for Inclusion and ALN advised that as work was still ongoing an Integrated Impact Assessment was not deemed appropriate for this report but that one would be included in a future report when a proper assessment could be made upon completion of the work under discussion. The Chief Education Officer reiterated that once a model had been adopted a full Integrated Impact Assessment would be carried out.

10.2 One Member highlighted the importance of individual needs at schools and sought clarification on the criteria for ALN support. The Lead for Inclusion and ALN outlined how the work being carried out sought to address any current inequalities in the system and advised the Member that if a future ALN report in May did not provide clarity further information would be provided for him.

10.3 A Member raised an issue outlined in paragraph 5.5 and enquired why it was that under different formulas there were always some schools that appear to have less

funding than allocated through the presenting funding system and some that will have more. The Lead for Inclusion and ALN highlighted the work being done by the delegation of additional support group on identifying the differences in terms of distribution and how plans are made to address these variations. The Member also asked why the options listed in paragraph 5.12 were all based on pupil population across the school. The Lead for Inclusion and ALN outlined how it was a more equitable way of identifying funding and stressed that this was not the only resource to support children with additional learning needs. The Chief Education Officer added that the ambition was to empower schools to be able to train staff to match the needs of pupils.

- 10.4 The Chair asked about the funding for schools with high levels of deprivation. The Chief Education Officer advised that the delegation of additional support group was made up of Head Teachers from a wide range schools from all areas.
- 10.5 One Member asked about future plans if the trend for cutting the budget for additional learning needs continued. The Chief Education Officer highlighted the challenges of forecasting what future funding would be and highlighted the importance of empowering schools to be able to provide quality training with the support of partners. The Finance Manger highlighted that the associated budget had grown by an additional £1.5M and that schools were allocated funds at an earlier stage to help with their internal planning. The Finance Manager was also able to share some indicative grant funding information for ALN from the Welsh Government which was an uplift of £5M across Wales. So, there would be some additional funding for local authorities but at this stage specific information was not available.
- 10.6 Having noted the content of the report, it was moved and seconded that the following recommendation be forwarded to Cabinet for approval. By way of Microsoft Forms (and in noting there were 13 votes for, 0 against and 2 abstentions) this was agreed.
- Education Scrutiny Members recommend to Cabinet that they support the LA's intended approach to the delegation of additional support funding to schools.

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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