

GWYNEDD COUNCIL CABINET

REPORT TO THE CABINET (Gwynedd)

13 September 2016

Cabinet Member: Cllr Gareth Thomas, Cabinet Member for Education

Subject: New Arrangements of the Additional Learning Needs and Inclusion Service in Gwynedd and Anglesey

Contact Officer: Arwyn Thomas, Head of Education Department

Decision sought

1. To adopt a Common Additional Learning Needs and Inclusion Strategy for Gwynedd and Anglesey which will address the needs of pupils and young people in an effective and efficient manner to be operational by September 2017.
2. To join in a formal partnership with the Isle of Anglesey County Council to implement the strategy and adopt a new governance structure referred to in this report, which will replace the Gwynedd and Anglesey SEN Joint-Committee (SENJC).
3. To delegate permission to the Head of Education in consultation with the Head of Legal and Head of Finance to agree and complete a Formal Agreement with the Isle of Anglesey County Council for the partnership.
4. To delegate permission to the Head of Education in consultation with the Head of Legal and Head of Finance to complete an Agreement / memorandum of understanding for the interim period which will state the commitment of both authorities to implement the new procedure, and will allow the work that is needed in order to reach that point to be carried out.

Local member's views

Not a local matter.

1. INTRODUCTION

- 1.1. A report was submitted to the Gwynedd Council Cabinet on 19 January 2016 in which it was agreed to:

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- I. Continue discussions with the Isle of Anglesey County Council to investigate the opportunity to draw up a Common Additional Learning Needs Strategy which will address the needs of pupils and young people in an effective and efficient manner.
 - II. Cabinet approval of Gwynedd Council's Strategy for Additional Learning Needs and Inclusion; whilst having regard to the proposal in 1.
 - III. Approval of the Business Case - a one-off investment of up to £1,380,131 to show a permanent annual saving of at least £808,461.
- 1.2 A report was prepared for the Isle of Anglesey County Council Executive Committee on 14 March 2016 seeking the Executive Committee's approval to:
- Collaborate with Gwynedd officers and the SENJC to remodel the workforce currently within the SENJC, and to adopt a new staffing scheme between September 2016 and April 2017.
 - Collaborate with Gwynedd officers and the SENJC to remodel the workforce currently within the inclusion service fully by September 2017.
 - Plan the new partnership to offer savings of 10% or approximately £500,000 over two years, to be realised in full by 2018/19.
 - Plan an amended governance and accountability structure jointly between both authorities, to be submitted to the Executive Committee by June 2016.
 - Plan a transitional period of dual governance between the SENJC and the amended Anglesey/Gwynedd ALN Partnership.
 - Share information with schools, parents and stakeholders on the proposed model during the summer term of 2016.
 - Implement the commission and amended governance procedure for the SENJC by September 2017.
- 1.3. It is important to note that this Strategy was prepared in the context of significant change in the field, including:
- the proposals of the proposed legislation, Additional Learning Needs and Education Tribunal (Wales) Bill for reforming the framework for additional learning needs;
 - the supporting evidence that there is a need to focus on early intervention and prevention;
 - the financial context.
- 1.4. The outcomes we seek to achieve through the new Strategy include:
- a provision which places much greater emphasis on early intervention especially in the early years and which seeks to identify conditions very early on in the children's lives so that this can have an impact on their education and their lives in general;
 - increasing the expertise of our schools with the use of training programmes;
 - robust multi-agency collaboration arrangements that will lead to sharing information and ensuring effective joint-planning for the education and development of children and young people who need additional support;
 - offering a service that ensures high quality educational experiences;

- children and young people receiving the additional support sooner; making educational progress at an appropriate rate and contributing to promoting their independence;
- a learning environment of the highest possible quality for children who have the most severe needs;
- ensuring an effective and efficient system.

2. THE RESPONSE TO THE STRATEGY AS A RESULT OF DISCUSSIONS WITH THE ISLE OF ANGLESEY COUNTY COUNCIL

2.1. Between January and July 2016 the Education Officers and Heads of both authorities have held a lengthy series of meetings to work through the Strategy in detail.

2.2. The following are some of the main adaptations deriving from this collaboration:

- I. The specialist fields which were included in the original Review were:
 - Behaviour, Communication and Interaction, Literacy and Numeracy, Sensory, Medical and Physical Impairment and Educational Psychologists.
- II. All Inclusion fields have now been included - therefore the following services have been added:
 - Welfare, Counselling, English as an Additional Language, Safeguarding, Home Schooling for children who are ill and Looked-After Children.
- III. Identifying opportunities to share management resources, which is a way of ensuring efficiency benefits for the service.
- IV. The intention is to abolish the SENJC through establishing new joint governance arrangements.
 - A new governance model was agreed in which Gwynedd Council will take the role of Lead Authority in terms of employing and managing the service from day to day. Generally this model means: Both authorities together (the 'Commissioning Authorities') will commission Gwynedd Council as Lead Authority to provide an Additional Learning Needs and Inclusion service for Gwynedd and Anglesey in accordance with the Joint Strategy which will have been adopted by them.
 - The Commissioning Authorities will agree on and set the requirements of the service, via the strategy, and will provide the resources to deliver it.
 - The Lead Authority will provide the service to the commissioning authorities in accordance with the performance targets and standards.
 - Both authorities will monitor how the service is provided against the outcomes agreed upon in the Joint Strategy.
- V. A new governance model was also agreed upon instead of the present joint-committee model with robust accountability and regular reporting to the scrutiny committees of both counties (**See Appendix 1**).
- VI. We are continuing to address the following issues further:
 - **the role of ALN and I Co-ordinators** in the schools;
 - **Structure for ALN Teaching Assistants**;
 - **raising awareness** regarding the changes with whole-school staff;

- establishing **sub-teams to provide details on the 0-3 years provision, the 16-25 years provision, data and electronic systems matters and the Health provision.**

3. A STRATEGY FOR THE FIELD OF ADDITIONAL LEARNING NEEDS AND INCLUSION IN GWYNEDD AND ANGLESEY

- 3.1. An Executive Summary of the amended Strategy for the Additional Learning Needs and Inclusion field is submitted in **Appendix 2.**
 - 3.2. The Strategy's principles include the intention to give more attention to the following:
 - Early Years and early intervention;
 - Establishing a central, integrated team of specific specialisms to facilitate collaboration and joint-planning;
 - Training Programme to upskill the workforce;
 - Introducing the use of person-centred plans.
 - 3.3. The main purpose of the Strategy is to ensure that a package of projects is in place in order to improve the service for children and young people with additional learning needs. Whilst writing the strategy, every effort has been made to move towards a new procedure which focuses on the child/young person and their needs/aspirations.
 - 3.4. As noted above, the Strategy has been prepared in the context of the legislative proposals for reforming the framework for additional learning needs. The Welsh Government Draft Bill for Additional Learning Needs was published on 6 July 2015 and it was confirmed that the Bill was expected to be introduced to the Assembly before Christmas. This means that it may be the 2017/18 academic year before any proposals come into force.
 - 3.5. Following full consideration of the draft Bill's proposals, we are confident that the Strategy addresses the proposed legislative changes. The situation will need to be reviewed once the final bill is adopted, to ensure that the Strategy conforms with the changes to the legislation. An early implementation of our Strategy will put us in a strong position to respond to the new legislative requirements when they come into force.
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Reasons for recommending the decision

4. OUTCOMES

- 4.1. The outcomes for Gwynedd Council and Isle of Anglesey County Council children and young people with additional learning needs will be as follows:
 - More personal plans that focus on the individual;
 - Earlier and more specific access to ALN&I services that will be reviewed regularly;
 - A more specialised service and standards;
 - The ALN Area Forums will provide accountability in each area.

4.2. In addition:

- Meet the statutory requirements of the new legislation;
 - Better control of the ALN budget;
 - Regular Reviewing and Monitoring.
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Relevant considerations

5. Equality Assessment

5.1 In accordance with the duty under the **Equality Act 2010** an equality impact assessment regarding the proposal was undertaken which was submitted to the Gwynedd Council Cabinet in January 2016

5.2 Following full consideration, it is concluded that the Strategy and the action plan address the possible impacts.

6. RISKS that should be considered when drawing up the memorandum of understanding

6.1 It is crucial to ensure that children, young people and their parents are aware of the changes and have a strong understanding of the new arrangements. We will develop a clear Communication Strategy in order to facilitate the change.

6.2 With the restructuring [See Staffing Structure in Appendix 2], there will be no reduction in the number of jobs in the staffing model, subject to the result of the consultation and the final decision of the heads. However, a change of emphasis in terms of the services may mean that some staff will have to apply for alternative/new jobs. We will continue to address the ALN and I Teaching Assistants' structure.

6.3 In the interim prior to a formal Agreement being confirmed, both authorities will need to sign a Memorandum of Understanding (MoU). It must be ensured that this happens before any formal consultation based on the restructuring becomes operational.

6.4 The two authorities will work towards establishing the new arrangements on the basis of the principles below:

- I. **Financial Contributions** - currently, Gwynedd and Anglesey have been contributing to the SENJC on a 60:40 basis. Under the new arrangements the staff Structure will state the financial contributions per post based either on management responsibilities/ population numbers or the specific requirements of the authorities.
- II. **Compensation Arrangements** – Any pension deficit that is connected to the staff who are transferring will remain with the previous council. Should any authority decide to withdraw from the partnership for any reason the authority that is withdrawing will be responsible for compensating the other authority for any losses caused by that action. In the interim period there will be a similar agreement during the process of appointing and dismissing staff.
- III. **Conflict resolution arrangements** - clarity in terms of the steps to be followed
- IV. **Restructuring / Consultation Arrangements** - together with a clear timetable
- V. **Project Management Arrangements** - in the interim, both Service Heads (Education) will be responsible for management of the Review until the new

ALN&I Senior Management Team has been confirmed. Shadow Monitoring and Scrutiny Boards (see proposed Governance Structure) will be operational in Gwynedd and Anglesey following the appointment of the Senior Management Team.

6.6 Discussions will continue with the Health and Social Services Department.

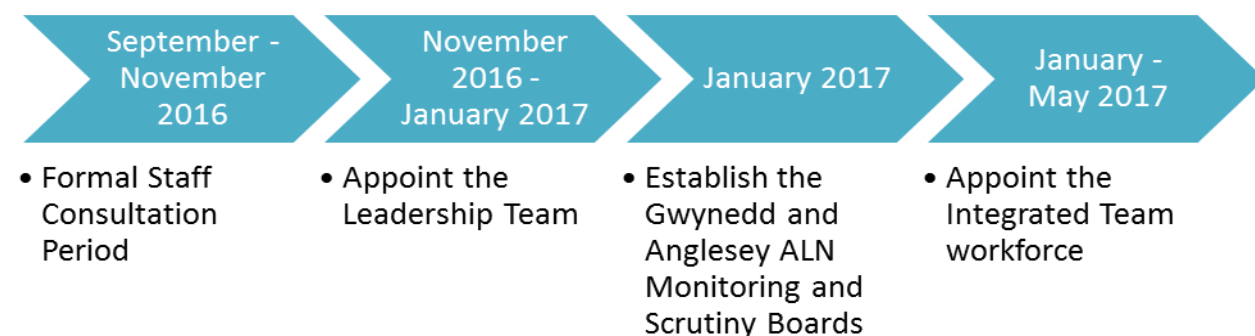
Next steps and timetable

7. WORK PROGRAMME

7.1 In response to recent discussions we have adapted the timetable for achieving the changes.

It is proposed that we give specific attention to creating the Core ALN&I Integrated Team during the 2016/17 academic year in order to ensure adequate time for necessary adaptations in the schools.

This will be implemented starting with a period of formal consultation with staff during September – November 2016. See the timetable below.



Views of the statutory officers

The Chief Executive:

"It is clear that considerable work has occurred since this matter was brought to the Cabinet in January 2016 and it is good to see robust elements of collaboration with the Isle of Anglesey County Council, which was previously a matter of concern to the Scrutiny Committee and other. Clearly, it is important that the Cabinet is clear in the way in which this plan now differs to intentions at that time, and this is outlined in part 2 of the report. It is also important that the Cabinet satisfies itself on what will be the results of introducing the strategy."

The Monitoring Officer:

"The adoption of a joint Strategy represents a core element of the recommendation; however, the organisation for joint governance is crucial for achieving the vision. In reality there are a range of options regarding arrangements for collaboration and a system is recommended which means that Gwynedd will provide the service on the commission based Strategy for Anglesey and Gwynedd. It is therefore emphasized that the joint meeting system between the Heads are fairly key to managing the commission obtained through the Strategy. Delegated authority is requested to establish the partnership agreement but also an interim agreement to provide certainty when setting up and committing resources to the partnership. This is an appropriate procedure in order to ensure that interests are protected throughout the process. Appropriate attention is paid to prospective legislation and an assessment that the Strategy is in line with what is expected in the Bill."

The Head of Finance Department:

"It is noted in paragraph 1.1 of the report presented, that the Cabinet has already received a report in January 2016 which highlights a permanent annual saving of £808,461 (following a one-off investment of £1,380,131) on the basis of a review of this service in Gwynedd. As the report presented now refers to a partnership in this service with the Isle of Anglesey County Council, doubtless Members will expect to receive a saving greater than £808,461.

When considering cross-border collaboration, it is essential that one matter raised in part 6.4 II of this report is clear in a formal agreement with Anglesey Council.

That it, that historic pension deficits, that is relevant to about 40 members of staff that will be transferring from Anglesey Council to Gwynedd Council, remains with the previous employer, that is, Anglesey Council."

Appendices

Appendix 1	Governance Model
Appendix 2	Executive Summary of Gwynedd and Anglesey Councils' Strategy for Additional Learning Needs and Inclusion
Appendix 3	Gwynedd and Anglesey Councils' Strategy for Additional Learning Needs and Inclusion (Appendix to follow)

