

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

25TH JUNE 2020

REVIEW OF LEARNING SUPPORT CLASS PROVISION FOR PUPILS WITH SOCIAL, EMOTIONAL AND BEHAVIOURAL DIFFICULTIES (SEBD) AND SIGNIFICANT ADDITIONAL LEARNING NEEDS

REPORT OF DIRECTOR OF EDUCATION AND INCLUSION SERVICES IN DISCUSSIONS WITH THE RELEVANT PORTFOLIO HOLDER, COUNCILLOR JOY ROSSER.

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1. PURPOSE OF THE REPORT

- 1.1** The purpose of the report is to advise Members of the outcome of the recent consultation in respect of the proposal to enhance mainstream Learning Support Class (LSC) provision within Rhondda Cynon Taf (RCT). It is proposed that as a result of the Covid 19 pandemic, more flexible provision than the statutory Learning Support Classes proposed in the consultation should be offered to support those learners with social, emotional and behavioural difficulties (SEBD). This will also further support the Education Directorate's overarching strategic priority to build the capacity of mainstream schools to meet the needs of learners with SEBD.

2. RECOMMENDATIONS

It is recommended that Cabinet:

- 2.1** Notes the information contained within the report
- 2.2** Agree to lapse the original LSC consultation process due to current Covid 19 restrictions and the impact upon statutory educational provision for the foreseeable future.
- 2.3** Agree to proceed with a proposal to provide funding for a two-year period for three English medium secondary schools to establish provision for learners with SEBD in Bryn Celynnog School, Ferndale Community School and Mountain Ash School.
- 2.4** Agree to progress with an amended proposal to provide funding for a two-year period to establish Welsh medium secondary school provision for learners with complex needs, including SEBD, in Ysgol Gartholwg.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To amend the original statutory proposal due to the impact of the Covid 19 pandemic to enable the Council to progress without delay to provide funding to four secondary schools to establish school-based provision to meet the needs of our most vulnerable learners in their local communities. This funding will improve the continuum of Special Educational Needs (SEN) provision for pupils with SEBD in the County Borough and will enable us to meet key strategic priorities.
- 3.2 If approved, all schools will be required to submit detailed proposals for consideration outlining the proposed approach, perceived benefits and the preventative and collaborative elements to meeting the needs of vulnerable learners in our communities. Joint proposals with other schools will be encouraged to extend the potential reach of the funding.
- 3.3 To promote opportunities for developing more inclusive practice in our schools and to provide the resources needed to develop sustainable and bespoke provisions for learners with SEBD.

4. BACKGROUND

- 4.1 Significant changes are planned in Wales in relation to the statutory provision required to meet the needs of pupils with SEN/additional learning needs (ALN). The Additional Learning Needs and Education Tribunal (Wales) (ALNET) Act was introduced in January 2018. The Act requires local authorities to keep under review the arrangements for supporting pupils with ALN within their area and consider whether these are sufficient. This includes a statutory requirement to take all reasonable steps to create a bilingual system of support for pupils with ALN. The Act will be supported by new regulations, including secondary legislation and a new statutory Additional Learning Needs Code. The current draft Code is based on the following principles:
- meeting the needs of pupils with ALN should be part of a whole school approach to school improvement;
 - pupils must be supported to participate in mainstream education and in the National Curriculum as fully as possible wherever this is feasible.
- 4.2 Members will recall that on 17th December 2019, Cabinet agreed that the Access and Inclusion Service should undertake a consultation on proposals to enhance LSC provision for pupils with SEBD within RCT during the spring term 2020. The consultation process was undertaken as part of statutory arrangements outlined in the Welsh Government's School Organisation Code for the period 10th January 2020 until 28th February 2020. In accordance with the Code, a Consultation Feedback Report would need to be approved by Cabinet and shared with stakeholders within 26 weeks of the closure of the consultation period.

- 4.3 Due to the impact of restrictions incurred by the COVID 19 pandemic at both a local and national level, it is not practical to continue to progress with the consultation process. The first step usually would be for Members to consider the consultation feedback; and then agree to proceed to the statutory consultation and, if in agreement, to progress to the opening of the new provision. Given the significantly short summer term, this process cannot ensure that the new provision will be available in September 2020. With the likely reduction in the number of school pupils attending school for a large part of academic year 20/21, it makes good sense to offer a flexible school run provision that responds to the needs of the pupils within a number of schools, rather than via the prescriptive statutory provision controlled by the Council.
- 4.4 On 24th March 2020, the Cabinet Member for Education, approved a delegated decision to fund a number of mainstream secondary schools to establish their own alternative curriculum provision (Step 4 provision) or pupil referral unit for learners with significant social, emotional and behavioural needs. The model describing the local authority's approach to managing learners' behaviour is outlined in Appendix 1. Step 4, is the fourth of five steps of the Council's behaviour management approach where a pupil's educational provision is provided in a local alternative provision or pupil referral unit led and managed by schools.
- 4.5 This proposal was to extend the earlier pilot and create provision to reduce the number of exclusions and improve attendance. A sum of £500k per annum for two years was set aside to encourage schools to apply to develop their own provision. Schools wishing to establish a Step 4 provision were required to submit a detailed business case which included a clear commitment to match fund so as to develop a sustainable and effective provision.
- 4.6 Despite, the closure of schools during the Covid 19 pandemic and the delegated decision only being made on 24th March 2020, four schools have submitted bids to develop their own Step 4 provision, which met the strict eligibility criteria. These four bids have been agreed in principle, but schools are required to revise the bids to take into account Covid 19, and the likely restrictions placed on the numbers of learners attending school in the autumn term 2020. Successful bids were received from Aberdare Community School, Pontypridd High School, Ysgol Nant Gwyn and Ysgol Cwm Rhondda.
- 4.7 As the learning support classes proposal which was also to increase the SEBD provision is unlikely to happen until the academic year 2021/22, approval is being sought to lapse/cease the consultation process and utilise the funding earmarked for the enhancement of LSC provision to further extend the alternative curriculum Step 4 provision. This will ensure other schools develop their own alternative curriculum by delegating funding to schools to build their capacity to meet the needs of learners with significant SEBD in their local community.

5. **PROPOSAL**

- 5.1 It is proposed to pool the £416,000 per annum originally set aside to fund the four Learning Support Classes for SEBD provision, as set out in the Cabinet Report of 17th December 2019, with the £500,000 funding allocated in the delegated decision of 24th March 2020, to extend the school based SEBD provision in as many schools as possible, to reduce the number of exclusions and improve attendance. Therefore, it is proposed that the Council initially works with the four schools that were being considered for SEBD learning support classes: Bryncelynnog Comprehensive School; Ferndale Community School; Mountain Ash Comprehensive School; and Ysgol Garth Olwg for a 2 year period to develop school-based provision to support pupils with SEBD, thus supporting the Council's strategic approach to improving the continuum of provision for vulnerable learners across RCT.
- 5.2 It is further proposed that other schools will be invited to bid for the remainder of the funding in the autumn term to establish their own provision after Christmas.
- 5.3 The schools will establish alternative curriculum provision or specialist provision suitable to accommodate the needs of learners with SEBD in their local community. This will improve opportunities for inclusive practice, enhancing the capacity of schools to meet increasingly complex needs in mainstream settings and reducing the demand for local authority led specialist SEBD placements.
- 5.4 With this additional investment will come high expectations that there will be:
- significant reductions in both fixed term and permanent exclusions;
 - reductions in-year transfer requests and managed moves;
 - reduced requests for secondary PRU placements;
 - improved outcomes for vulnerable learners; and
 - Improved attendance.

The success of schools in achieving these improved outcomes will be closely monitored and reviewed.

- 5.5 The additional provision in each school will be monitored and a report presented to Cabinet at the end of each year, setting out the findings of this new approach. This allows the Council to respond to the needs of those pupils with SEBD, and if necessary consider extending the provision to other schools or consulting on opening new LSCs as necessary. Given the changing needs of the pupils, it is important that all specialist provision is kept under review so that the additional resources available have the greatest impact on this group of pupils.

6. **CASE FOR CHANGE**

- 6.1 There is a clear need to reduce the number of school exclusions, improve the education prospects of young people susceptible to school exclusions and to

address the long-term costs and negative impact of exclusion on learner outcomes and their life chances.

- 6.2 Research conducted by Barnardo's, suggests that children with SEN are nearly 10 times more likely to be permanently excluded and seven times more likely than others to receive a fixed term exclusion. There is also a strong association between poverty and deprivation, with pupils eligible for free school meals being four times more likely to be permanently excluded from secondary school and three times more likely to receive a fixed term exclusion than their better off peers. For a few, exclusions may provide the short, sharp consequence that is needed, but for young people whose families are facing challenges exclusions can be detrimental. Exclusion can have an adverse impact on a young person's socialisation, physical and mental health. Repeat exclusions from schools for pupils who are already alienated can further exacerbate difficulties and rates of poor attendance and disengagement.
- 6.3 If we do not effectively meet the social, emotional and behavioural needs of pupils, the cost to young people will be reduced confidence, increased disaffection and poor qualifications and employment prospects in the long term. Permanently excluded children are 3 times more likely than their peers to leave school without qualifications and 37% times more likely to be unemployed.
- 6.4 Whilst exclusions have their place, the significant growth in RCT point to a need to intervene sooner and more effectively. Effective alternatives to exclusion are needed to intervene before the risk of exclusion escalates to a crisis level and the need for a PRU placement. The expansion of school-based provision would assist in strengthening the continuum of support available for some of our most vulnerable learners and replace the demand for more specialist provision.
- 6.5 In summary, the proposal for change provide a more efficient, inclusive model for addressing the escalating exclusion rates and incidents of challenging behaviour in RCT. Evidence clearly suggest that investing in early intervention and preventative approaches can reduce demand for the more specialist costly PRU placements and gives some of our vulnerable pupils the best chance of achieving success. It would also reduce pressures on the mainstream schools that are experiencing significant challenges in resourcing the support that is needed for pupils with the most complex needs.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 No Equality Impact Assessment is required at the current time.

8. CONSULTATION

- 8.1 There are no consultation implications arising from the content of the report.

9. FINANCIAL IMPLICATIONS

- 9.1 There are no additional budget implications from the proposals set out in this report. The £416,000 referred to in this report to establish additional Step 4

provisions in secondary schools was previously set aside to fund the LSCs as set out in the report to Cabinet on 17th December 2019, and will be utilised to address the key priorities of the Council to reduce exclusions, address challenging behaviour within mainstream schools and increase the numbers of Welsh learners accessing specialist and bespoke provision to meet their SEN.

- 9.2 It is provisionally proposed that this funding will be made available from September 2020 until August 2022. However, the release date will be subject to school opening proposals, and all funding will be subject to the Education Directorate securing robust funding bids evidencing effective preventative and partnership approaches to reduce exclusions and the demand for more specialist PRU placements.
- 9.3 With this additional investment, it is anticipated that the demand for secondary specialist SEBD placements will diminish. This will enable funding for the most costly specialist SEBD placements, including PRU placements, to be redistributed to offset increased specialist placement costs. The capacity of the secondary PRU in RCT will be significantly reduced over time once the benefits of enhanced Step 4 provision across the County Borough, in addition to the existing LSC provision for SEBD, are realised.

10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 10.1 Section 316A of the Education Act 1996 specifies that children with SEN should normally be educated in mainstream schools so long as this is compatible with them receiving the special educational provision that their learning difficulty calls for; the efficient education of other children, and the efficient use of resources.
- 10.2 Section 315 of the Education Act 1996 also requires the LA to ensure that SEN provision is kept under review. Sections 1:20 and 1:21 of the SEN Code of Practice for Wales (2002) also requires LAs to evaluate the effectiveness of school funding arrangements in supporting and raising the achievement of children with SEN.

11. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

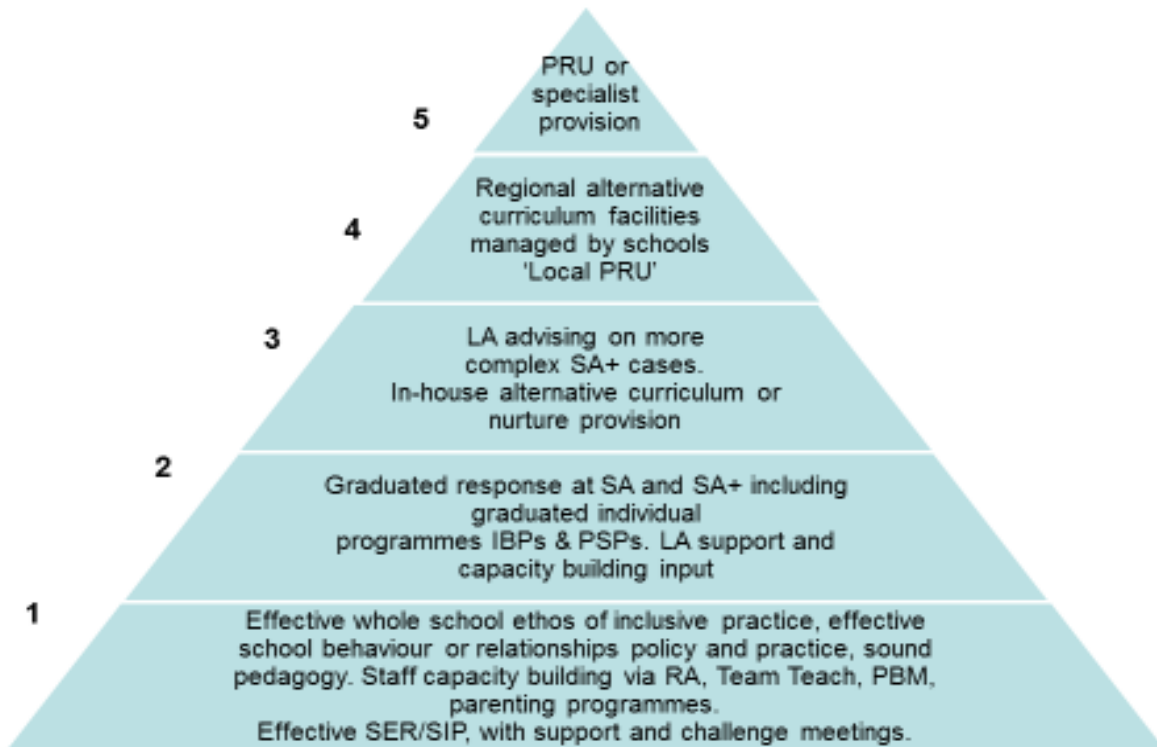
- 11.1 The proposals will ensure that two of the Council's three key priorities will be met. These include:
- Economy: Building a strong economy
 - People: Promoting independence and positive lives for everyone
- 11.2 The proposals will ensure that some of the Council's most vulnerable pupils will have the best chance of achieving positive outcomes.
- 11.3 Organising services so that they are focussed on early intervention and prevention is a key statutory requirement of the Wellbeing and Future

Generations Act and a key element of the Council's Corporate Plan. These proposals will ensure there is renewed capacity for early intervention and prevention thus minimising the need for statutory processes and intervention.

12. CONCLUSION

- 12.1 RCT has an excellent range of LSC provisions attached to mainstream schools which includes provision for social, emotional and behavioural needs. In light of the requirements of the ALNET Act, concerns regarding rising exclusions and an increase in requests for SEBD placements there is a clear need to enhance provision for learners with these needs.
- 12.2 In summary, the measures implemented to date and proposals for change will provide an inclusive model for addressing the escalating exclusion rates and incidents of challenging behaviour in RCT secondary schools. Evidence clearly suggests that investing in early intervention and preventative approaches can reduce demand for the more specialist costly PRU placements and gives our most vulnerable pupils the best chance of achieving success in mainstream settings. This resource will also reduce pressures on mainstream secondary schools that are experiencing significant challenges in resourcing the support that is needed for pupils with the most complex needs.
- 12.3 Members are asked to consider the contents of the report and agree to the delegation of funding to strengthen the continuum of support for pupils with SEBD, and other associated needs.
- 12.4 The amended proposal continues to meet the core principles outlined in the draft Additional Learning Needs Code with an enhanced focus upon developing effective whole school approaches to meet the needs of our most vulnerable learners, including the enhancement of Welsh medium SEN provision.

5 Step Behaviour Support Model



Step 1 is characterised by robust whole school approaches to positive behaviour management and the consistent implementation of the school behaviour/relationships policy due to robust whole school training and effective leadership. Good classroom practice will be in place and clear, consistently applied behaviour management routines and good teaching and learning will be evident in classrooms. To support this, schools will be challenged and supported (as they will be throughout the stages) through self-evaluation and school improvement planning processes. In some cases, where there is cause for concern due to high exclusion rates, additional support and challenge meetings will be provided. External support for the school, pupil and family will be essential at higher levels but should not be overlooked at this step.

Step 2 links most closely to what should be provided at School Action and School Action Plus of the current Code of Practice. The main characteristics of this stage will be support for capacity building so that schools can offer a personalised graduated response to individual pupils. This may take many forms for learners who should continue to access mainstream education and the provision of individual or small group interventions aimed at further improving social, emotional and behavioural skills. This could include ELSA, Thrive, and restorative or learning coach interventions to target the development of identified social, emotional and behavioural skills. Interventions at this stage could also include access to an in-house inclusion provision

aimed at managing significant behavioural incidents in school and avoiding fixed term exclusions, with a focus placed on reflection and repairing harmed relationships.

Step 3 is characterised by in-house alternative curriculum support and/or ‘revolving door’ provision for pupils.

- At KS3 the aim should be that targeted pupils eventually return to mainstream provision but access short-term but intensive support, which could include nurture provision
- At KS4 the in-house alternative curriculum arrangements may be exclusive to a particular group of dis-engaged pupils.

Step 4 is where the most significant change in provision is envisioned with strategically situated Key Stage 4 Alternative Curriculum Centres (local PRUs) managed by school staff and potentially delivered in partnership with other providers. This provision should have a significant impact on school attendance and exclusions, and reduce the demand for step 5 provisions.

Focus could be placed on providing learners with a bespoke core curriculum offer delivered by subject specialists and access to more vocational training opportunities with external providers if appropriate. Any externally commissioned provider should have their registration status checks and all placements risk assessed. Good quality information about pupils’ learning and behavioural needs should be provided and measures taken to ensure curriculum continuity and progression, robust attendance recording and engagement.

Step 5 is the intensive specialist end of the spectrum, where pupils who cannot manage a mainstream school curriculum or the Key Stage 4 alternative curriculum arrangements are placed. These pupils will be attending a learning support class provision for young people with significant social, emotional and behavioural difficulties or the LA PRU.

A significant proportion of these pupils will be under statutory assessment or will have a statement of SEN. Some pupils will have been permanently excluded. Some pupils will move into this category of provision early in their school lives. In exceptional circumstances some learners will have escalated through the stages and others may move up or down the steps depending on their presenting needs.