

<b>REPORT TO:</b>	Lifelong Learning Scrutiny Committee
<b>REPORT NO:</b>	COEEI/09/19s
<b>DATE:</b>	11 April 2018
<b>LEAD MEMBER:</b>	Councillor Phil Wynn (People – Education)
<b>CONTACT OFFICER:</b>	Karen Parry (Tel: 295492)
<b>SUBJECT:</b>	Educational Standards for Pupils with Special Educational Needs
<b>WARD:</b>	

## **1. PURPOSE OF THE REPORT**

- 1.1 For Members to be informed of the Educational Standards for Pupils with (SEN) Special Educational Needs.
- 1.2 For Members to be informed of the robust quality assurance of SEN provision in the LA which impacts on standards for pupils with SEN.
- 1.3 For Members to be informed of the range of SEN provision and current plans to address future changes in legislation.

## **2. EXECUTIVE SUMMARY**

- 2.1 This report outlines the processes in place to ensure pupils with SEN make good progress in line with their Special Educational Needs. It will detail the provision available in WCBC for pupils with SEN and how it is quality assured. It will outline the changes in legislation. The Glossary in Appendix 2 will detail the definitions of the acronyms used.
- 2.2 WCBC's Local Government Education Service Self Evaluation Summary (December 2018) stated that:
  - Pupils with SEN generally make good progress.

- There is no national comparative data which measures progress specifically for pupils with SEN.
  - There is a good range of provision and holistic approach to support vulnerable learners.
  - Statutory Assessment, Statements of SEN and Annual Review processes are efficient and are statutory compliant.
  - The Authority regularly reviews its SEN provision to ensure adaptation to need and changing demography. Schools understand the criteria and pathways in place to access specialist provision.
  - The relationships and engagement with parents of children with SEN are generally excellent.
- 2.3 Schools are responsible for ensuring that pupils with SEN make progress in line with their ability as they are for pupils with no SEN.
- 2.4 The LA in conjunction with GwE monitors the progress of all pupils including those pupils with SEN.
- 2.5 The LA has a statutory duty to monitor the progress of pupils with SEN against the objectives in the Statements of Special Educational Needs as according to the SEN Code of Practice (2002).
- 2.6 The LA Inclusion Service monitors SEN provision and the progress of pupils with SEN through:
- Annual reviews of Statements of SEN.
  - Annual SEN school monitoring visits.
  - Input to Estyn Inspections, pre and post visits.
  - Joint working with GwE through bi annual meetings.
  - Joint working with LA School Effectiveness Officers in mini reviews.
- 2.7 The LA has recently carried out an SEN Audit with all schools. This has been categorised as green/amber as reported to the Audit Committee. The final report is still outstanding and recommendations will be implemented in due course.
- 2.8 The numbers in WCBC of pupils with SEN has increased over the last few years in line with the school population.

2.9 Preparation for the ALNET (Additional Learning Needs and Educational Tribunal) Act (2018) is good with very effective partnership working with the regional ALN (Additional Learning Needs) coordinator.

### **3. RECOMMENDATIONS**

**3.1 That Members of the Committee formulate their conclusions and recommendations based on the information in the report and the discussion at the meeting.**

### **REASONS FOR RECOMMENDATIONS**

- (i) To provide Members of the Committee with an opportunity to scrutinise the standards of pupils with SEN and the quality assurance of provision.
- (ii) To inform Members of the Committee of the future changes in legislation and the financial implications this may have on the Education Department.

### **4. BACKGROUND INFORMATION**

#### **Local Context**

4.1 Schools, settings and families are supported to meet the needs of pupils with SEN by the Inclusion Service which is within the Education Effectiveness & Infrastructure Service. The service includes the following teams:

- Statutory Assessment team
- Educational Psychology Service
- Speech and Language Outreach Service
- Literacy Outreach Service
- Behaviour Support Team
- (EAL) English as an Additional Language
- Traveller Education Service

These teams include administration staff, Inclusion Officers, teachers, teaching assistants and outreach workers.

#### **SEN Population**

4.2 The total school population in WCBC is 19,694 (PLASC 2019) of which 3,786 pupils have been identified as having SEN, representing 19.22% of the population.

3.2% (645) have Statements of Special Educational Needs. These numbers are in line with the national picture. The total number of pupils at School Action Plus (see 4.9 for definition) and with a Statement of SEN has risen steadily over the last 4 years. This reflects the complex needs of the pupils and the monitoring of the schools SEN register by the LA Inclusion Service. There will be a need to review the workforce to meet the increasing numbers of children and young people with complex needs as well as the demands placed upon the Inclusion Service by the ALNET (2018).

<b>Wrexham LA SEN Population 2016-2019</b>				
	2016	2017	2018	2019
School Action	2046	2119	2084	1999
School Action Plus	991	1123	1102	1142
Statement	529	577	607	645
<b>Total</b>	<b>3566</b>	<b>3819</b>	<b>3793</b>	<b>3786</b>

## **SEN Provision**

- 4.3 There is a wide range of SEN provision in the LA. The majority of pupils with SEN will be in mainstream schools and their needs will be met within schools own resources. A small percentage of pupils will need access to either Resourced Provision classes (smaller sized classes in mainstream schools) or specialist provision.
- 4.4 Pupil admission to Resourced Provision classes is the responsibility of the LA Moderation panel, who apply access criteria in their decision making. This criteria is written into the Service Level Agreements between the Headteacher and the LA.

Wrexham has a wide range of resourced provision for pupils in all key stages to meet the following 4 areas of SEN as stipulated in the SEN Code of Practice (2002):

1. Communication and interaction
2. Cognition and Learning
3. Behaviour, emotional and social development
4. Sensory and/or physical needs

These areas of need are indicated in brackets below.

## **Primary Resourced Provision in mainstream schools**

<b>SEN Area of need</b>	<b>Planned places</b>
Speech and Language (1)	23
Social Communication (1)	44
Social Communication/ (SLD) Severe Learning Difficulties (1&2)	6
HI (Hearing Impaired) (4)	16
Complex needs: PMLD (Profound and Multiple Learning Difficulties)/ SLD) (1,2,3,4)	39
Generic (2)	102
Generic (Welsh Medium) (2)	19

BESD (Behaviour Emotional and Social Development) (3)	8
BESD Assessment (3)	8
Generic Assessment (1,2,3,4)	41
<b>Total</b>	<b>267</b>

### Assessment provision

- 4.5 Some primary school pupils' SEN have not been determined and it has been identified that specialised and further assessment is needed before a decision on a placement can be made. There are 49 planned places for assessment provision. It takes on average 18 months to complete a thorough and specialist assessment, although there is variation depending on a child's complexity.

### Secondary Resourced Provision in mainstream schools

SEN Area of need	Planned places
Speech and Language (1)	18
Social Communication (1)	41
Hearing Impaired (4)	6
Generic (2)	72
Generic (Welsh Medium) (2)	20
BESD	8
SpLD (Specific Learning Difficulties)	16
<b>Total</b>	<b>181</b>

### Special School Provision

- 4.6 There are 300 planned places at St Christopher's. This special school caters for all areas of SEN for those pupils with the most complex and profound needs.
- 4.7 A review of SEN Resourced Provision was carried out in 2016. Recommendations from this review have been implemented. Due to the changing nature of pupils with SEN, review of provision will be ongoing. This is a requirement as detailed in the Draft Additional Learning Needs Code for Wales (December 2018).

### Current legislation

- 4.8 The LA has a statutory duty to comply with the regulations of the Education Act (1996) and the SEN Code of Practice (2002).
- 4.9 Schools are expected to follow the Graduated Response as set out in the SEN Code of Practice (2002). This approach recognises that there is a continuum of SEN and where necessary increasing specialist expertise may be required. The stages of the graduated response are as follows:
- Class Action: universal differentiation to meet the needs of all learners.

- School Action: school based interventions to meet the needs on an individual pupil who is making limited progress.
- School Action Plus: utilising external agencies to support IEPs with fresh targets and accompanying strategies and to provide specialist assessments that can inform planning and the measurement of a pupil's progress.
- Statutory Assessment: a full assessment made by the LA, in collaboration with parents, schools and other agencies who have identified that the pupil probably has SEN and there is a need to determine special educational provision.
- Statement of SEN: a legal document which describes the pupil's special educational needs and the special educational provision required to meet their needs following the full assessment.

4.10 The vast majority of pupils with SEN will remain on either School Action or School Action Plus with only a small percentage needing to progress through Statutory Assessment.

### **Future legislation**

4.11 The implementation of the ALNET Act (2018) sees significant legislative changes.

The key messages are:

- The term ALN (Additional Learning Needs) will replace the terms SEN and LDD (Learning Difficulties and Disabilities).
- The extended age range will be 0-25. It is currently 3-16 (19 in specialist provision).
- Statements will become IDPs (Individual Development Plans).
- All pupils with ALN will have an IDP.
- There will be increased participation from pupils, young people, parents and carers in the development of IDPs (Person Centred Planning).
- There will be entitlement to ALN provision through the medium of Welsh.
- Pupils and parents will have entitlement to lodge an appeal to SENTW (Special Educational Needs Tribunal for Wales) at every stage of the IDP process.

4.12 The Draft ALN Code for Wales was published in December 2018 for consultation. The consultation period ended 22 March 2019. WCBC submitted a response following the engagement of a wide range of stakeholders. This will form part of the overall Welsh Government Consultation report due to be

published later this year. The main findings reported by stakeholders in the consultation were:

- The Person Centred focus was deemed positive.
- The recognition of the importance of the role of the ALNCo was welcome.
- It will be a more equitable system for all pupils with ALN.
- It is unlikely to be cost neutral.
- Processes and systems will need to be developed and robust to incorporate the extended age range.
- There is a need to carefully consider the development of the workforce to meet the requirements of both the Curriculum for Wales and the ALN Act

4.13 The changes from the Act (ALNET) will be supported by the new ALN Code due to be published as a final copy by the end of 2019.

4.14 Preparation for the ALNET Act (2018) is good with very effective partnership working with the regional ALN coordinator.

4.15 WCBC has been instrumental in leading on PCP (Person Centred Practice). As early as 2014, the LA started to train schools and was approached to lead training across the region.

4.16 Estyn published a thematic review in October 2018, 'Readiness for additional needs reform'. Out of 7 case studies across Wales identifying good practice 3 were Wrexham schools; Darland High School, St Mary's RC Primary school and Wrexham Early Years Centre. These schools were identified as having good and excellent practice as they demonstrated the following characteristics meaning that they are well placed to make the transition to the new ALN system:

- inclusive ethos and culture
- clear leadership roles
- being a learning organisation
- high aspirations based on strong assessment practice
- working with partners
- investing in staff
- supporting parents and pupils
- strong school improvement processes

The impact of Darland's practice included pupils gaining 100% achievement in level 1 at the end of key stage 4, with all pupils progressing to a full-time post-16 educational course. Both St Mary's RC and Wrexham Early Years Centre report an increase in parental and pupil engagement and both feel more confident to express their views. Parents also expressed they are positive about the changes.

- 4.17 The Level 3 Inclusion Service plan has identified the actions and timescales to address the priority of the implementation of the ALNET Act (2018).

### Progress for pupils with SEN

- 4.18 The percentage of pupils with SEN at school action, school action plus and statemented over the past three years has been within a 2pp range for the foundation phase and KS2. In KS3 the % of SEN in a year 9 cohort has increased from 18.8% to 23.1% in 2017-18.
- 4.19 Over a three year period there has been generally good performance at all stages of the Code of Practice.

<b>School Action, Action plus and Statemented</b>						
	15-16		16-17		17-18	
	% SEN	FPI/CSI	% SEN	FPI/CSI	% SEN	FPI/CSI
Foundation phase (FPI)	19.7	47.7	20.2	53.9	20.9	40.5
KS2 (CSI)	21.3	49.8	22.4	60.5	20.5	58.7
KS3 (CSI)	18.8	41.3	23.8	51.8	23.1	60.1
KS4 (CSI)	No comparable data available					

- 4.20 At School Action Plus and Statemented cohort sizes have been within a 2pp range. At KS3 over a three year period there has been an increase of 2.7pp.

<b>School Action plus and Statemented</b>						
	15-16		16-17		17-18	
	% SEN	FPI/CSI	% SEN	FPI/CSI	% SEN	FPI/CSI
Foundation phase (FPI)	6.8	35.4	8.0	34.1	8.9	28.0
KS2 (CSI)	9.3	31.7	7.9	38.2	7.4	34.2
KS3 (CSI)	9.0	24.5	11.6	30.6	11.3	43.7
KS4 (CSI)	No comparable data available					

- 4.21 Over a three year period, the performance of SEN pupils has significantly improved at key stage 3 at School Action Plus and Statemented evidencing improved provision.
- 4.22 Some pupils with complex special educational needs cannot access the Welsh National Tests indicated in the data above, hence, progress against individual targets are more appropriate. Teams within the LA Inclusion Service monitor and review impact through service plans and data analysis.
- 4.23 The Statutory Assessment team monitors all pupils with Statements through Annual Monitoring Visits, attendance and analysis of Annual Reviews data. The data demonstrates that nearly all pupils make progress. For those pupils

where it is indicated that there has been no change or a regression, further analysis by the Inclusion Service has shown that more appropriate provision is required.

<b>Progress against Statement Objectives</b>				
	2014- 2015	2015-2016	2016- 2017	2017-2018
Progress	94.8%	95.8%	95.3%	92.7%
No change	5.0%	3.7%	4.7%	7.2%
Regression	0.2%	0.4%	0.0%	0.2%

- 4.24 In 2017-18, the Speech and Language Outreach Service worked in collaboration with BCUHB (Betsi Cadwaladr University Health Board) with 41 pupils, across 31 schools. Of the 406 targets evaluated 82% were fully achieved, 17.5% partially achieved and 0.5% not achieved. This team review a pupil every 10-12 weeks and set new targets if appropriate across each aspect of speech and language, hence large number of targets. Depending of the complexity of the pupil, there may be up to 10 small stepped targets set.
- 4.25 In 2017-18, the Literacy Service set and evaluated 157 targets for 50 pupils in 34 primary schools; of which 88% were fully achieved, 10% were partially achieved and 2% did not achieve. The data indicates that 75% of pupils increased their reading accuracy score by 4 or more points and 70% of pupils increased their spelling accuracy score by 1 point or more. 75% of pupils accessing the service returned to school action after a period of intervention, the remaining 25% accessed a range of provision at School Action Plus (SAP) or were issued with a statement of SEN. This team reviews a pupil every term and set approximately 3 new targets per pupil if appropriate, hence large number of targets.

### **Monitoring Provision**

- 4.26 In addition to scrutinising individual pupil progress as detailed above, the LA Inclusion Service carries out effective and robust monitoring of SEN provision and ensures pupils with SEN make good progress through:
- Input to Estyn Inspections, pre and post visits.
  - Joint working with GwE through bi annual meetings.
  - Joint working with LA School Effectiveness Officers in mini school reviews.
  - SEN Audit.
  - Annual Monitoring visits to each school.
- 4.27 GwE and the LA School Effectiveness and Inclusion Services work collaboratively pre-inspection to inform Estyn of a school's standards and effectiveness of provision for pupils with SEN. Through 2018-19, information on how prepared schools are for the implantation of the ALNET Act (2018) has been included in pre inspection reports. Following Estyn inspections, the

LA Inclusion Service support schools if SEN is identified as a recommendation.

- 4.28 In 2018-19 WCBC Education Department introduced bi-annual meetings between staff from GwE, School Effectiveness Service, Inclusion Service, HR and the Educational Social Work Team to share in depth intelligence on each cluster of schools. The progress and provision of pupils with SEN is shared.
- 4.29 The LA School Effectiveness and Inclusion Services work collaboratively in 'mini school reviews' in which full day visits are planned to scrutinise a range of aspects. During this time processes and documentation are scrutinised in addition to lesson observation. Schools are identified as potentially due an Estyn Inspection and support is offered accordingly following this visit.
- 4.30 Every school has an Annual Monitoring Visit of SEN from the LA Inclusion service in which the school's Inclusion Officer will review a range of factors including progress towards targets set in the previous year, priorities identified for the coming year and pupils to be prioritised for intervention. This year, 2018-19 schools were asked to present 3 pupil files for Inclusion staff to check on compliance of processes.
- 4.31 To strengthen the scrutiny of processes which ultimately has an impact on provision and therefore, pupil progress, this term the Audit team carried out an SEN Audit in conjunction with the LA Inclusion Service. The results and recommendations which are pending will inform and support schools in ensuring compliance and good practice.
- 4.32 There are indications that parental satisfaction is high, demonstrating effective working relationships between the Education staff, schools and families. It also demonstrates effective provision and good pupil progress.

During 2017/18 the dispute resolution service was not accessed. No appeals from both parents and pupils were lodged to SENTW. To date in 2018-19 there has been no appeals lodged. National data indicates Wrexham has a low rate of appeal to SENTW. From 2009- present day there has been 7 lodges of appeal. The outcomes were 2 concessions, 3 withdrawn (by parents), 1 dismissed and 1 upheld.

## **5. IMPLICATIONS**

- 5.1 **Policy Framework:** This report relates directly to the following Council priorities:

PE1- Supporting people to have positive aspirations, learn and achieve their potential;

reflected in the Wrexham Education Partnership purpose statement developed with schools in the autumn 2017;

***“working together to provide an excellent and inclusive school for***

***every child and young person in Wrexham – working together for excellence.”***

5.2 **Budget** - This report will not have an impact on budget. This will be reviewed once the Welsh Government have published their response to the current consultation.

5.3 **Legal** - The LA has a statutory duty to comply with the regulations of the Education Act (1996) and the SEN Code of Practice (2002).

The ALN & Education Tribunal Act (2018) will be implemented as from September 2020.

The final version of the Additional Learning Needs Code will be published during Autumn 2019.

5.4 **Staffing** - This report will not have an impact on staffing. This will be reviewed once the Welsh Government have published their response to the current consultation.

5.5 **Equality/Human Rights** - Members are advised of their duty to consider the full Equality Impact Assessment which is available at <http://vmwinsqld/equalityisalive/Menu.aspx> report number [E-E1A00059-2019]. Members of the public can request a copy of the full Equality Impact Assessment from the Contact Officer named in the header box of this report.

A summary of the Equality Impact Assessment is attached as Appendix 1.

5.6 **Risks** - SEN audit recommendations to be addressed following issue of final report.

## 6. CONSULTATION

6.1 There has been no consultation carried out in respect of this report.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO
Additional Learning Needs Draft Code December 2018	Welsh Government website	<a href="https://beta.gov.wales/draft-additional-learning-needs-code">https://beta.gov.wales/draft-additional-learning-needs-code</a>
Estyn thematic report Readiness for ALN Reforms, October 2018	Estyn website	<a href="https://www.estyn.gov.wales/thematic-reports/readiness-additional-learning-needs-reforms">https://www.estyn.gov.wales/thematic-reports/readiness-additional-learning-needs-reforms</a>
Special Educational Needs Tribunal for Wales Annual Reports	SENTW website	<a href="http://sentw.gov.wales/?lang=en">http://sentw.gov.wales/?lang=en</a>