

Special Educational Needs Joint Committee

Minutes of the meeting held on 20 November 2015

PRESENT: Councillor E. Caerwyn Roberts (Gwynedd Council) (Chair)
Councillor Llinos M. Huws (Isle of Anglesey County Council) (Vice-Chair)

Gwynedd Council

Councillors Elin Walker Jones, Beth Lawton, Eirwyn Williams

Isle of Anglesey County Council

Councillors Gwilym O. Jones, R. Meirion Jones, Ieuan Williams

IN ATTENDANCE: Principal Educational Psychologist (Mr Gareth Payne)
Education Officer (ALN) (IOACC) (Dr Einir Thomas)
Senior Inclusion Manager (Gwynedd) (Mr Gwern ap Rhisiart)
Senior Education Accountant (Gwynedd) (Mrs Kathy Bell)
Committee Officer (IOACC) (Ann Holmes)

APOLOGIES: Councillors Annwen Hughes, Peter Read (Gwynedd Council), Derlwyn Hughes, Trefor Lloyd Hughes, J.Arwel Roberts (IAOCC), Mr Rheinallt Thomas, Mrs Delyth Molyneux (Head of Learning, IOACC)

The Chair extended a warm welcome to all those present and he referred to the absence due to ill health of Councillors Peter Read and Trefor Lloyd Hughes. The Chair extended his and his fellow Members' best wishes to both Councillor Read and Councillor Hughes for a full and speedy recovery.

1 DECLARATION OF INTEREST

No declaration of interest was received.

2 MINUTES OF THE 26TH JUNE, 2015 MEETING

The minutes of the previous meeting of the SEN Joint-Committee held on 26th June, 2015 were presented and confirmed as correct.

3 SEN PROVIDER UNIT

The report of the Special Educational Needs Provider Unit on activities undertaken during the Summer Term, 2015 was presented for the Joint- Committee's consideration.

The Principal Educational Psychologist highlighted developments with regard to staff changes in the Administrative, Specialist Teachers and Educational Psychology Services and where those changes entailed the loss of posts i.e. through resignation, job change or completion of a secondment period he explained the potential impact on the affected service and the mitigating steps taken either by a proposal to fill a vacancy or by reconfiguring workloads within the current staff complement. The Officer referred to the following points –

- Two of the administrative assistants within the Administration Service will be leaving the service the one due to retirement (0.4 full times) and the other (full-time) to an external post. Whilst it

is hoped the full time post can be filled for a temporary period, the intention is not to fill the other 0.4 post.

- The Hearing Service continues to operate on the basis of a strong team with three qualified teachers, equivalent to 2.6 full time, as well as a full-time unqualified teacher who is currently undertaking training. Despite the impending retirement at Christmas of one of the teachers and the loss of an experienced assistant, the service will continue to have a team of 2.7 full time equivalent teachers from Christmas onwards.
- There are 2.1 full-time equivalent teachers currently in the Visual Impairment Service along with two qualified assistants (1.6 full-time equivalent).
- There have been reductions in the service for language and communication and in particular for autism. There are currently two teachers within the service being 1.8 full-time equivalent. The service has lost two teachers (i.e. 1 full-time equivalent) along with an experienced assistant who was on secondment from Gwynedd. The team is at present finding it challenging to meet all needs across the two authorities.
- The service for medical and physical difficulties continues to operate on the basis of two teachers, one full time and the other who works for 0.3 full time equivalent but who also provides 0.2 to the visual service.
- The Educational Psychology Service continues to operate with less staff than usual with one senior psychologist at present on secondment to Gwynedd Council. Two part-time psychologists have left the service meaning that it is possible to support two trainee psychologists on a professional course in Cardiff. The service continues to operate a system whereby each school has its allocated psychologist and a number of sessions are arranged for each school; the service is seeking to make changes to this system to ensure that all schools are served equitably. There are 5.9 full-time equivalent psychologists (10 individuals) within the service with the addition of an experienced trainee psychologist who is able to take some of the schools under supervision. The trainee psychologist will be qualified in the summer of 2016 and in more favourable financial circumstances the team would be happy to consider employing her.
- The data with regard to final statements produced within the statutory timetable during the 2013/14 academic year shows that whilst the number of new statements in Gwynedd has reduced from last year, the number in Anglesey is similar to the previous year.

In the ensuing detailed discussion, the following points were made -

- The Joint-Committee noted the reductions in the language, communication and autism services with concern and sought clarification of the plans to address the needs of children across the autistic spectrum as a consequence particularly in light of the ongoing pressures on the team.

The Principal Educational Psychologist said that the service has a number of temporary staff and because of the financial pressures several contracts are likely to come to an end in the summer. Whilst discussions regarding the situation are due to be held, because the bulk of the Provider Unit's expenditure is on staff, in the long term this represents the Joint-Committee's principal avenue for identifying savings. Moreover it is considered premature to be taking specific action pending the outcome of Gwynedd Council's Strategy for Additional Learning Needs and Inclusion's journey through the Council's democratic processes.

Gwynedd Council's Senior Inclusion Manager said that notwithstanding Gwynedd has been developing a Strategy for ALN and Inclusion, there are children who are currently in the system whose needs must be met. There have been discussions with Anglesey's ALN Education Officer with a view to establishing a forum to facilitate access to provision; it is felt that rather than looking specifically at the staffing issue, greater focus needs to be placed on the efficacy of current processes and practices to better ensure they are fit for purpose and to reduce the work pressures on staff and also to enable a more planned rather than reactive response. This approach could be extended to all the teams within the SEN Provider Unit.

The Senior Education Accountant said that there is provision also within the two authorities for children with autistic needs.

- The Joint-Committee welcomed the progressive approach that had been taken with regard to training two educational psychologists but expressed concern in light of the financial context

regarding the long-term prospects for their permanent employment within the Joint-Committee. The Joint-Committee noted that it would be regrettable should their services be lost given the efforts and investment made to obtain places for them on the restored professional course at Cardiff University. The Joint-Committee therefore requested that it be provided with a report with regard to the arrangements made with the Trainee Psychologists in terms of committing them to the Joint-Committee for a period on the completion of their training and the financial implications for the two posts.

- The Joint-Committee expressed concern regarding the level of uncertainty and risk in relation to the staff situation which it felt could be unsettling for staff, and it emphasised the need as far as possible to try to provide stability for staff. The Joint-Committee sought assurance that the service is sufficiently equipped to provide for the needs of all those children who require support and that none are disadvantaged because resources are stretched, and it was suggested that a report be provided to give an overview of the current position to enable both counties to set a strategic direction.
- The Joint-Committee suggested that it is not meeting frequently enough to be able to maintain an effective overview of developments and the cancellation of the September meeting was cited as an example.

Gwynedd Council's Senior Inclusion Manager said that Gwynedd has conducted a strategic review of additional learning needs and inclusion and is clear in terms of the outcomes it wishes to achieve for children and young people requiring support and how those can be attained. A difficulty for the Joint-Committee is the emerging divergence in the two authorities' approach to meeting needs – the School Action and School Action Plus approach places greater emphasis on schools which in turn can lead to greater demand for services. Gwynedd Council is seeking to develop a more preventative approach to reduce the demand for additional provision.

Anglesey's ALN Education Officer confirmed that there are some differences in the authorities' approach. In Anglesey funding has been devolved to schools and there are agreed pathways between the Authority and primary schools regarding how support can be accessed. Whilst the demand for statements in Anglesey is constant, they are greater in number in the nursery phase this year. The Joint-Committee noted that this increase needs to be monitored to identify a possible trend. The ALN Education Officer said that the needs of these children are acute and go beyond the School Action Plus provision and represents a pattern that may continue. The Senior Inclusion Officer said that in Gwynedd the approach is via an Individual Development Plan rather than a Statement but with support also from schools and the Early Years Units. By utilising the Early Years Units, the level of support required subsequently in the mainstream is therefore less because of the early input, intervention and targeting.

It was resolved to accept the report and to note its contents.

ACTIONS ARISING:

- **The Joint-Committee to be provided with a report with regard to the post-training arrangements made with the Trainee Psychologists and the financial implications for the two posts.**
- **The Joint-Committee to be provided with an overview of the position in the two authorities with regard to the approach to meeting the needs of children requiring additional support because of ALN.**

4 DRAFT ADDITIONAL LEARNING NEEDS CODE

The report of the Principal Educational Psychologist incorporating the draft Additional Learning Needs Code and commentary thereon were presented for the Joint-Committee's consideration.

The Principal Educational Psychologist reported that the Draft Code has been published to accompany the Draft Additional Learning Needs and Education Tribunal (Wales) Bill which is subject to consultation until the 18 December, 2015 and to assist in formulating a response to it. The Bill contains proposals for a new system of providing for children and young people who have additional learning needs. The Officer proceeded to highlight areas where the new draft Code differs from the

current Code of Practice and the likely implications for the authorities and Joint-Committee in terms of time and resources, of the changes proposed.

The Joint-Committee noted the following points –

- That further work is needed on the draft Code to develop it into a working code of practice and guidance.
- That the draft Code has implications for all agencies involved in contributing towards meeting the needs of children and young people with additional learning needs and will require changes as regards practice.
- That it is felt the draft Code is open ended in many areas and does not provide a sufficiently precise definition of additional learning needs.
- That the draft Code has significant implications in terms of the expectations on schools as it accords the same legal entitlements to children with additional learning needs at both ends of the continuum be those needs mild, moderate or acute.
- However in cases where the school is of the view that those needs are beyond its capability, it can refer the matter to the local authority. As the Code does not provide specific criteria to determine a capability threshold, the risk is that authorities will have to develop their own criteria thus leading to potentially wide national variations.
- That an opportunity has been lost to achieve uniformity and consistency across Wales by developing one clear set of criteria that would apply to all the 22 local authorities nationally.
- That the Principal Educational Psychologist has drafted a response to the draft Bill on behalf of Gwynedd and Anglesey.

The Joint-Committee requested that it be provided with a copy of the Principal Educational Psychologist's response to the draft Bill and that further, Members of the Joint-Committee wishing to add their own comments on the contents of the Bill do so via the Chair and Vice Chair so that there is also a response on behalf of the Joint-Committee itself.

It was resolved to note the draft Additional Learning Needs Code and the Principal Educational Psychologist's summary of the main changes.

ACTION ARISING: Principal Educational Psychologist to forward a copy of the response to the draft Bill to the Joint-Committee's Members.

5 THE SEN JOINT-COMMITTEE'S BUDGET 2015/16

The report of Gwynedd Council's Head of Finance Service incorporating the SEN Joint-Committee's Budget for 2015/16 was presented for the Joint-Committee's consideration and approval.

The Senior Education Accountant reported that the budget incorporates provision for the usual changes e.g. inflation, increased national insurance contributions etc. but also a 10% reduction in the contribution by the Isle of Anglesey County Council. This is the first time that budgetary cuts have not been implemented bilaterally by both counties meaning that Gwynedd's percentage contribution to the Joint-Committee has increased from 61.37% to 64.27% (£752,046) with Anglesey's contribution reducing from 38.63% to 35.73% (£464,637 to £418,174). The Officer said that Anglesey needs to permanently identify a 10% cut of £55,210 (11.9% in real terms) and officers from the Joint-Committee and both authorities need to agree on proposed cuts to be presented to the Joint-Committee.

The Leader of the Isle of Anglesey County Council said that he would report back to the Council's Head of Learning to establish the status of discussions as regards identifying cuts in service equivalent to the £55k reduction in the contribution made by Anglesey.

It was resolved to approve and adopt the budget for 2015/16 and to request that Officers present proposed cuts to the next meeting.

NO ADDITIONAL ACTION ENSUING

6 REVIEW OF THE JOINT-COMMITTEE'S ACCOUNTS 2015/16

The report of Gwynedd Council's Head of Finance incorporating a review of the Joint-Committee's 2015/16 accounts was presented for the Joint-Committee's consideration.

The Senior Education Accountant reported as follows -

- That changes to date in 2015/16 in the Joint-Committee's staffing establishment across the Educational Psychologist, Specialist Teacher and Administrative Services overall amount to a net overspend of £36k on staff costs in 2015/16 in comparison with the budget.
- That approximately £9k in training costs is to be funded from the savings on Educational Psychologists' salaries in accordance with a strategic plan to ensure Welsh qualified psychologist in the future.
- That there is a net increase of £17k in the Joint-Committee's rent costs following relocation to the Penrallt Offices meaning that permanent savings need to be identified to fund this increase. There were one-off relocation costs of approximately £4k in 2015/16.
- That the Joint-Committee has tightened spending on resources due to the overspend leading to total net savings of £11k.
- That due to the staffing situation and lack of capacity to conduct training, the income target set has now become unrealistic. There is likely to be an £8k deficit in income this year and a consequent need to identify permanent savings to bridge this gap.
- That the above considerations lead to an overspend of £65k in 2015/16.

The Officer said that the Joint-Committee had combined balances of £150k at the end of the 2014/5 financial year. Applying £65k of those balances to reconcile the overspend for 2015/16 reduces the balances to £85k at 31 March, 2016. The Isle of Anglesey County Council has implemented a cut of 10% in its contribution to the Joint-Committee's budget which leaves a deficit of £55k in real terms for the Joint-Committee to bridge on a permanent basis. A differentiating provision needs to be identified between Gwynedd and Anglesey to deal with this cut. The Officer also suggested that perhaps a situation has been reached whereby a division of the balances between Anglesey and Gwynedd needs to be considered to allow each authority separately to determine how its share might be used.

The Officer informed the Joint-Committee that she was concerned about its financial position going forwards into 2016/17 particularly with regard to the uncertainty in relation to direction and timescale.

It was resolved –

- **To accept the report and to approve the use of £65k of the combined balances to fund the overspend in 2015/16.**
- **To ask Officers to move quickly to identify the reduction in services for Anglesey in order to identify the £55k savings required.**
- **That the 2016/17 financial situation be projected as quickly as possible and steps be taken to resolve any financial problems.**
- **To ask Gwynedd and Anglesey Councils for guidance regarding the 2016/17 budget.**

NO ADDITIONAL ACTION ENSUING

7 GWYNEDD COUNCIL STRATEGY FOR ADDITIONAL LEARNING NEEDS AND INCLUSION

The Senior Inclusion Manager of Gwynedd Council updated the Joint-Committee verbally with regard to progressing the Strategy following a review of the provision and experiences of children and young people with additional learning needs in Gwynedd, and he said that legislative intentions and financial pressures have accelerated the implementation timetable. A report on the proposed changes to the ALN and Inclusion Service will be considered by Gwynedd Council's Services Scrutiny Committee next week and the report will be presented thereafter for Cabinet approval in December, 2015. A comprehensive consultation process has been undertaken with approximately 400 stakeholders the feedback from which has contributed to shaping a revised ALN Strategy which contains some modifications as regards the model of provision but whose basic principles remain

the same. The Officer confirmed that the revised ALN Strategy proposes de-commissioning the SEN Joint-Committee and moving to local models of provision based on Arfon, Dwyfor and Meirionnydd.

The Joint- Committee made the following points –

- That it would have been helpful to the Joint-Committee to have received the report that is to be presented to Gwynedd Council's Services Scrutiny Committee to assist it in understanding the position and the details regarding the proposals for change that are under consideration by Gwynedd, and that it was disappointing that it was not available to Members at this meeting.
- That it was disappointing that Members of the Joint-Committee had not been kept informed and involved in discussions regarding the development of models of delivery as part of the Strategy as was agreed would happen at the previous meeting.
- That whilst both Gwynedd and Anglesey Councils share the same vision in terms of seeking the best experiences and outcomes for children and young people with additional learning needs the Joint-Committee noted that the two councils' strategies for achieving the vision differ in a way that now brings the long-term future of the Joint-Committee into question. It was also noted that the position needs to be clarified from the perspective of Anglesey's role in the partnership.

It was resolved to note the position and the information presented.

NO ADDITIONAL ACTION ENSUING

8 NEXT MEETING OF THE SEN JOINT-COMMITTEE

It was noted that the next meeting of the Joint-Committee is to be held at 10:30 a.m. on Friday, 18 March, 2016 in Llangefnï.

**Councillor E. Caerwyn Roberts
Chair**