

CABINET

18TH JULY 2022

CARMARTHENSHIRE SUSTAINABLE COMMUNITIES FOR LEARNING (CSCFL) (FORMERLY THE MODERNISING EDUCATION PROGRAMME)

ADDITIONAL LEARNING NEEDS

Recommendations / key decisions required:

That Cabinet approves a virement in the capital programme to allow these urgent works to be undertaken as a matter of urgency.

Reasons:

To approve a realignment to the Capital Programme to facilitate urgent works to increase specialist spaces for pupils with Additional Learning Needs / Autistic Spectrum Disorder

Relevant scrutiny committee to be consulted: NO

Cabinet Decision Required: Yes

Council Decision Required: NO

Cabinet Member Portfolio Holder:

Cllr. Glynog Davies (Education & Children)

Directorate:

Education & Children

Name of Heads of Service / Report Authors:

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Designations:

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EXECUTIVE SUMMARY

**CABINET
18TH JULY 2022**

CARMARTHENSHIRE SUSTAINABLE COMMUNITIES FOR LEARNING (CSCFL) (FORMERLY THE MODERNISING EDUCATION PROGRAMME) ADDITIONAL LEARNING NEEDS

Background

There is currently no capital allocation specifically for Autistic Spectrum Disorder (ASD) in Band A or Band B of Carmarthenshire's Sustainable Communities for Learning (Formerly Modernising Education Programme) Programme.

Currently, all works are facilitated via the capital maintenance programme however, due to the significant value involved these works need to be facilitated via the departmental capital programme.

The five-year capital strategy 22/23 – 26/27 was approved by County Council on 2nd March 2022.

The five-year capital strategy contains budget lines for urgent non CSCfL education works such as mobile accommodation, equalities works, mobile accommodation and addressing significant health and safety issues.

However, an urgent matter in relation to ASD provision has arisen that requires the decision of Cabinet to make an adjustment (virement) to the capital programme in order to address this urgent need.

Autistic Spectrum Disorder (ASD) Provision

The Department for Education and Children currently (21/22 academic year) has the following places across the county to facilitate specialist provision for pupils with Autism:

- Primary – 64
- Secondary - 84

Since September 2021, there has been a significant increase in the demand for ASD provision and in the 2021/22 academic year there was a shortfall of 30 places which is an over capacity of 20%.

In recent months a significant increase in the demand for specialist ASD places for the 2022/23 academic year has been experienced by the department and the projected position for September 2022 is as follows:

Primary – Required number of places / available - 20

Secondary – Required number of places / available -10

There will also be a projected continued shortfall for the academic year of 23/24 of a minimum of 26 places as it currently stands which does not take into account incoming pupils and mainstream school pupils with identified needs over the 22-23 academic year.

The significant increase in demand experienced as a result of:

- Inward migration – families relocating to Carmarthenshire
- A significant increase in the number of pupils being diagnosed with the additional needs/ASD medical diagnosis which is recognised as a national trend. Health Board has increased the capacity of the neurodevelopmental team to process the backlog of ASD referrals resulting in an increase of ASD diagnosis. Across the last 3 years this has seen over a 100 children in Carmarthenshire with ASD diagnosis in our schools.
- School capacity - growth in local school population/building suitability
- Covid related disruption of well-established early identification processes - A period of readjustment was required as Health Visitors were unable to make home visits to fulfil Early Assessments and checks on Early Years children. These cohorts of children are now entering the Foundation Phase of their education without the pre-Covid assessment information normally collated being available to schools. This information would normally have provided schools with the baseline information required to support the timely management of provision and support. The Health-run Neuro-Developmental Team process for identification of Autism was suspended during Covid as practitioners were reassigned to Covid related roles. This resulted in a backlog of CYP on the waiting list for ASD diagnosis. These children are now being processed and are coming through Early Years Pathways into specialist provision. The impact of children being at home during Covid also had a significant impact on the behaviours and well-being of ASD children with higher numbers requiring specialist provision. The ALN systems (Education) did not cease throughout the period of Covid as virtual/remote processes were put in place to meet statutory process requirements.
- Early identification processes re-established - Health assessment and diagnosis processes have been re-established and waiting lists are being processed as quickly as possible.

The Local Authority has a legal obligation to make provision for these pupils by September 2022 and could face costly legal challenge that has the potential to cost up to £30,000 in legal fees per case. If need is not met locally this could result in the legal obligation to secure expensive out of county independent placements costing upwards of £150,000 for a given year.

Parents have already advised the Department that if specialist provision is not provided they will be taking legal action via SEN appeals processes.

The Environment Department have already been engaged and worked up schemes across five school sites:

- Burry Port Community School (Primary)
- Llangennech CP School (Primary)
- Y Bedol CP School (Primary)
- Ysgol Glanymor (Secondary)
- Ysgol Heol Goffa (Special)

The total budget cost to carry out these urgent works for September 2022 is £1.76 million. Given that the budget costs are significant a virement approval is necessary.

Recommendation

That Cabinet approves a virement in the capital programme to allow these urgent works to be undertaken as a matter of urgency.

DETAILED REPORT ATTACHED?	NO
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: *S. James* **Head of Access to Education**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	YES	YES	YES

1. Policy, Crime & Disorder and Equalities

Developments are consistent with the Welsh Government's ALN policy – ALNET Act and the ALN Statutory Code of Practice

2. Legal

The Local Authority has a legal obligation to make provision for these pupils by September 2022 and could face costly legal challenge that has the potential to cost up to £30,000 in legal fees per case. If need is not met locally this could result in the legal obligation to secure expensive out of county independent placements costing upwards of £150,000 for a given year.

3. Finance

Revenue:

The revenue costs for all units will be met from departmental underspend for 2021/22. A new bid for funding will be submitted to realise funding from April 2023 forward.

Capital:

This virement will reduce the Local Authority capital available to match fund grant funding from the Welsh Government's Sustainable Communities for Learning Programme and will reduce the available finance for future capital investment in new or refurbished school premises.

5. Risk Management Issues

There is a risk to Carmarthenshire's reputation if specialist provision is not made for these pupils.

Reduction in overall schools capital investment funding

The lack of specialist ASD provision has recently been highlighted as inadequate in the national media.

6. Staffing Implications

On going cost of staffing specialist provisions.

7. Physical Assets

Five school locations (as noted above) will be developed to facilitate the specialist provision.

All works will be managed and coordinated by the Environment Department.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed:  Head of Access to Education

1. **Scrutiny Committee** – Not applicable as it is an operational matter
2. **Local Member(s)** – Not applicable as it is an operational matter
3. **Community / Town Council** – Not applicable as it is an operational matter
4. **Relevant Partners** – Not applicable as it is an operational matter
5. **Staff Side Representatives and other Organisations** – Not applicable as it is an operational matter

**CABINET MEMBER PORTFOLIO HOLDER
AWARE/CONSULTED**

Yes

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
FIVE YEAR CAPITAL PROGRAMME (COUNCIL FUND) - 2022/23 TO 2026/27		https://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=155&MId=5278&Ver=4