

**The Highland Council**  
**Education, Culture and Sport Committee**  
**21 May 2009**

Agenda Item	
Report No	

**Funding of Additional Support for Learners**  
**Report by Director of Education, Culture and Sport**

**Summary**

This report sets out the legislative and policy background to the Council's provision of Additional Support for Learners, gives an overview of the budget, and describes the factors which drive the allocation of resources. It describes the work done to date to ensure that resources are appropriately targeted and managed.

As part of the overall budget savings which the Council has been required to identify, some savings have been sought from Additional Support for Learners budgets. This report presents information about how the savings measures which were expected to have least impact were identified, what savings have been implemented, and what the impact of these savings measures is assessed to have been.

**1. Background**

- 1.1 The Highland Council's duties in relation to pupils who require additional support for learning (ASL) result from a complex body of legislation. Key elements of that legislation include:
- Disability legislation requires local authorities and schools not to treat disabled pupils less favourably and to make reasonable adjustments to avoid putting them at substantial disadvantage.
  - The Standards in Scotland's Schools etc Act 2000 places education authorities under a duty to secure that the education provided is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential, and also includes a 'Presumption of Inclusion' by which education authorities are required to provide education in schools other than special schools unless there are exceptional circumstances.
  - The Education (Additional Support for Learning) (Scotland) Act 2004 requires education authorities to identify, assess, plan for, and make educational provision for children and young people in their area who have additional educational support needs in collaboration with parents and carers, and assisted by other agencies and services.
- 1.2 The type and amount of support for learning provided by the Highland Council for an individual pupil may lie anywhere on a continuum from short term monitoring and encouragement by a class teacher through to long term education in a specialist setting, provided by staff with advanced specialist qualifications, and using specialised and often expensive equipment.
- 1.3 The Support for Learner's Policy Framework sets out the Highland Council's overarching policy and approach to Additional Support for Learning (ASL). Major strands within the Policy Framework include:

- Consulting and collaborating with parents and carers;
- Consulting with children and young people about educational decisions which affect them and fostering active and participative learning: supporting children and young people to attend their local mainstream school;
- Maintaining and enhancing the range of specialist services within Highland in order to support children and young people in their local school and community, and family;
- Providing a range of training for staff including continuing access to post-graduate teaching qualifications in specialist fields such as Autism, Visual Impairment and Deafness.

1.4 The Highland Council's continuing commitment to the implementation of *Getting it right for every child* includes ensuring that all children get the help they need when they need it, based on a standard integrated assessment framework. Amongst the benefits of *Getting it right* are more efficient and effective assessment and planning processes for children and families, which are both freeing up professional time for front-line activity and helping to ensure that services and resources are appropriately targeted.

1.5 The needs of individual pupils for ASL vary in both degree and duration. It is usually suggested that up to 20% of pupils will require at least some short term and modest support at some time in their school career, while 1-2% of pupils have a continuing need for a high level of individually appropriate, specialised support.

1.6 There is good evidence that the numbers of pupils in Highland Schools who require significant ASL is increasing, even though the overall number of pupils in Highland schools is decreasing. Key drivers include:

- The large rise in the number of pupils with autism spectrum disorders (ASDs) in Highland Schools. This is not just a Highland phenomenon, both national and international research provides evidence that over the last twenty years there has been a significant rise in the number of pupils with ASDs.
- Medical advances have resulted in increased survival rates of infants born very prematurely, and such infants have a high rate of severe and complex, life-long difficulties. The typical levels of need of pupils attending specials schools and bases in Highland have increased very significantly over the last ten years.
- A significant rise in the number of younger pupils whose behaviour is reported to be very difficult to manage in school. The reasons for this rise are still not well understood but there is a widely held view that parental substance abuse and parental mental health difficulties are significant contributors to poor nurturing and chaotic family experiences for some young children.
- A significant rise in the number of pupils in Highland schools for whom English is an Alternative or Additional Language (EAL).

1.7 Prior to implementation of *Getting it right for every child*, there has been no objective and nationally endorsed means of quantifying and aggregating these needs through standard scales across schools and Associated School Groups. Further, the detail of the information collected during the annual, national school census has been revised three times over the period 2004-2008, so that direct comparisons of numbers of pupils identified over this period are not possible.

- 1.8 The Audit Scotland Report 'Moving to Mainstream' (2003) reported the results of a study of the costs of implementing the 'Presumption of Inclusion'. The report included comparisons of the costs of providing ASL for individual pupils in rural and mainstream settings and for groups of pupils in special schools and bases. The report provides independent evidence of the higher costs incurred by rural education authorities with large numbers of small and very small schools.
- 1.9 The pressures set out above have been particularly difficult to accommodate against a background of increasing demand and constant or reducing resources because of overall financial constraints. A key element of the action taken to manage these pressures has been to ensure that available resources are appropriately targeted and managed. In addition training budgets have been safeguarded in order to maintain and where possible enhance the expertise and capacity of schools and their staff.

## **2. Budget Overview**

- 2.1 For the financial year 2007-08, excluding out-of-authority placements, the Highland Council spent a total of £20.28M within its ASL budgets.
- 2.2 For the financial year 2008-09 the comparable ASL budget was £20.73M and this comprised:
- £5.24M delegated to secondary schools via DSM.
  - £7.44M held at Area level for primary ASL and secondary special classes and units.
  - £4.15M held centrally in budgets, including those to support Inclusion, Better Behaviour Better Learning (BBBL) and the purchase of Speech and Language Therapy services.
  - £3.36M for special schools including Drummond, St Clements, St Duthus and the Black Isle Education Centre.
  - £0.54M devolved to individual primary schools or held in several small budgets.
- 2.3 Like many other Scottish Councils, The Highland Council spends significantly more on ASL than it had been projected to be allocated for this element of GAE from The Scottish Government. For, example, for the financial year 2008-09 the Highland GAE element for Special Education was £10.154M, against the expenditure of £20.28m.

## **3. Ensuring Greater Equity of Resourcing**

- 3.1 A review group was established in 2002 to conduct a Best Value Review of Support for Learning in Highland Schools. The report of that review was published in January 2004 and subsequently accepted by the Council. The report included a detailed discussion of how budgets were being allocated and of a methodology and budget modelling tool for distributing resources in an equitable manner which more closely reflected actual needs. One of the key recommendations of that review was that "the authority should progress the redistribution of funding across all areas of the authority on the basis of the resource model over a three to five year period." The ECS Committee reaffirmed its support for this process in August 2008 as a result of its consideration of the report 'Funding of Additional Support for Learners'.

- 3.2 The budget modelling tool indicated that, as a result of historic factors, some areas and some secondary schools were relatively generously resourced as compared with others, and therefore that resource transfers were indicated if levels of service were to be equitable across the Council. This process was commenced on a phased basis with effect from April 2004, with further action being implemented from April 2005 and April 2006. This phasing involved the transfer of budget between areas as posts became vacant, the use of any new grant funding to augment levels of resourcing preferentially in those areas which were less well resourced; and targeting any savings required towards those areas which were more favourably resourced. In addition, Area ECS Managers were informed of the schools which appeared to be most generously resourced and were invited to consider targeting savings within area-held budgets at those schools.
- 3.3 The restructuring of Highland Council areas with effect from April 2007 resulted in changes in responsibilities for many members of Area Education Management Teams. Accordingly, in order to give managers time to familiarise themselves with their new responsibilities and the management of the resources in their new areas, Area budgets were rolled forward in April 2007 and April 2008 with further phased resource transfer being deferred.
- 3.4 Experience suggests that within the Highland Council the three administrative Areas which resulted from the Council's recent restructuring are each large enough to ensure that statistical predictions of needs for ASL are broadly accurate. The Highland ASL resource allocation model has, therefore, now been revised and the input data is being up-dated.

#### **4 Performance Overview**

- 4.1 There is consensus across education officials who have an overview of Highland schools that the capacity and expertise of schools in relation to ASL has improved significantly in recent years and that mechanisms for prioritising and targeting resources across schools are effective. Increasing delegation of funding and annual audits of needs have contributed significantly to these outcomes.
- 4.2 HMIE inspection reports give generally positive comment on achievements in Additional Support for learning in Highland Schools. There has also been positive feedback on implementation in Highland of the Education (Additional Support for Learning) (Scotland) Act 2004.
- 4.3 Where parents have used the independent scrutiny and appeal processes which were introduced by the ASL Act in 2005, the Council's decisions regarding educational provision have always been upheld.
- 4.4 Also, a recent study by the business and market analysts CACI indicates that Highland schools outperform all other schools in Scotland in relation to educational added value - that is, performance in standard grades that is higher than might be expected, given the demographics and levels of deprivation in any Council area area.

#### **5 Savings Measures**

- 5.1 For several financial years preceding 2006-07 the Council was required to make budget savings but protected ASL resourcing and did not seek any

savings from ASL budgets. This exacerbated the impact of savings elsewhere within the Education, Culture & Sport Service since they were greater than would have been required had all areas of service, including ASL, been included in savings measures. From 2006-07 onwards, however, the overall budget situation has made it difficult to completely protect any aspect of the Council's services and ASL budgets have been included in savings measures.

5.2 The Council has sought savings from ASL budgets in each of 2006-07, 2007-08, and 2008-09. Further savings have been agreed for 2009-10 and 2010-11. It has been increasingly difficult to identify ASL savings which would have no impact, but when identifying proposals for possible savings, Council officers have sought to:

- build on business process efficiencies;
- ensure that the Council remained able to meet its legal duties;
- identify budgets which were under-utilised;
- Identify efficiencies;
- ensure that no geographical area was unfairly treated, by targeting savings at the most generously resourced areas and schools;
- ensure that no type of service user was inequitably disadvantaged, by considering level of service provided against need for service;
- protect frontline services;
- ensure that the quality of services enhanced through training;
- develop new aspects or service to address unmet or poorly met needs.

5.3 For the financial year 2006-07 savings of £630K were sought from ASL budgets. One third of this saving – just over £200k - was made by targeting those areas and secondary schools which were indicated by the ASL budget model as being most generously resourced. In addition, savings of £191K were achieved by using grant funding, recalling resources no longer required and managing vacancies. Accordingly, the full year savings target was not achieved in 2006-07.

5.4 Further savings of £264k were sought in 2007/08, but it became apparent during the year that these would not be achievable.

5.5 Indeed, while the full year savings of 2006/07 were achieved in 2007/08, only a further £20k savings were achieved towards the 2007/08 targets, and the remainder had to be identified from elsewhere across the ECS budget. Further, at the end of the year, there was an overspend on Additional Support for Learning of £187k.

5.6 Accordingly, the total ASL savings achieved in the two year period 2006/08, was £650k, as detailed below:

- Retain 50% of increase in grant funding for Better Behaviour Better Learning: £99K.
- Utilise new grant funding: £30K
- Reduce Autism Outreach Education Service by 1 teaching post: £24K
- Recall support funding for one pupil who had left school: £30K
- Reduce ASL funding to secondary schools: £166K (Area ECS managers were recommended to take £113K of this from the most favourably resourced schools)

- Reduce funding for primary learning support £239K (£99K of savings were taken from more favourably resourced areas)
- Reduced funding to CHIP+: £20k
- Vacancy management: £42K

5.7 For the financial year 2008-09 further savings of £140K were sought from Area managed ASL budgets and savings of £48K were sought from special schools. These savings from area-managed ASL budgets were taken in the proportions suggested by the ASL budget model:

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|---|---------|
| • Caithness, Sutherland & Easter Ross     | £44,800 |
| • Ross, Skye & Lochaber                   | £37,800 |
| • Inverness, Nairn, Badenoch & Strathspey | £57,800 |

It subsequently proved possible to use uncommitted contingency funding to cover £44.5K of the proposed savings from the special schools, and only £3.5K was actually taken out of special school budgets as follows:

- Caithness Early Years Autism Centre £1K
- Black Isle Education Centre £2.5K

5.8 For the financial years 2009-10 and 2010-11, the Council has decided that ASL budgets are required to make a proportionate contribution. Savings totalling £231K were agreed for 2009-10, with a further £190K for 2010-11.

5.9 In an effort to identify savings proposals which would have the least impact and which would not impact unequally on service users, centrally held budgets were again reviewed to identify where efficiencies might be achieved. As part of this, the amounts held in reserve for contingencies (for example, to fund training, equipment and staffing support if a child with a high level of need relocates into Highland part-way through the year) were reviewed against the need for this funding in previous years.

5.10 ASL budgets are in part demand lead so that exact levels of some spending in some budgets cannot be predicted in advance. In addition the timing of some savings will depend on vacancy management and staff changes. (An aim of budget management has always been to ensure that, taken together, these budgets are not significantly under or over-spent). It is envisaged though that the necessary savings for 2009-11 will be achieved as follows:

- Training expenditure: £61K
- Equipment expenditure: £15K
- Contingency Funding: £44K
- Transfer of minor adaptations expenditure £10K to an under-utilised budget
- Psychological Service: £81K
- Speech & Language Therapy funding to NHS Highland: £45K
- ASL Act Funding to NHS Highland: £13K
- Behaviour Support to Areas: £26K
- Behaviour Support to Schools: £108K
- Vacancy Management: £18K

5.11 In addition to the savings measures in relation to ASL budgets, it should be noted some other savings measures are also likely to have impacted on the capacity of schools to meet the additional support needs of pupils:

- The ECS Quality Improvement team has been reduced and the post of Quality Improvement Officer – Support for Learners has been deleted, resulting in less capacity to advise and support schools.
- The number of ASL posts in Area ECS management teams has been reduced resulting in less capacity to advise and support schools, such that each Area now has two posts.
- The extra staffing in schools above DSM formula levels has been largely removed resulting in less capacity to deploy staff within any school to temporarily support an individual or group of pupils.

5.12 In recent years there has been a significant rise in the number of pupils in Highland schools for whom English is an Alternative or Additional Language (EAL). The provisions of the Education (Additional Support for Learning) (Scotland) Act 2004 include support for these pupils, but overall ASL budget pressures prevented increases in EAL provision proportionate to this rise in need. For the financial year 2009-10, however, the Council has agreed two additional EAL teacher posts, which adds significantly to the capacity to support these pupils.

## 6. Savings Impact Assessment

6.1 For the reasons set out in section 1 of this report, it has not been possible to quantify and compare rising need on an objective basis. It is important that the opportunity provided by implementation of *Getting it right for every child* is used to do this in future years.

6.2 In order to evaluate the impact of the ASL savings measures therefore, consultations were held across the various stakeholder groups:

- CHIP+ (Children in the Highlands Information Point) and Highland Children's Forum, who both meet regularly with parents and children.
- Representatives from Area ECS Management, Integrated Services Coordinators, Highland Council Psychological Service, Specialist Education Support Services, Primary Area Learning Support Team Leaders.
- Groups of primary and secondary head teachers.
- NHS Highland.

6.3 These consultations confirm the common view that there are increasing needs, and therefore also increasing challenges in meeting these needs, at four levels:

- a. Support available within schools.
- b. Support available to schools.
- c. Support available to pupils with high levels of need.
- d. Requests for Support or Advice from Families

### 6.4 **a. Support Available Within Schools**

Within schools reductions in both ASN staffing and flexible staffing above DSM levels have led to a need to target support to those pupils with high levels of individual need. As a consequence, some pupils who would have received support in the past, for example because of specific literacy difficulties, may no longer do so.

- 6.5 Reductions in staffing in schools have reduced the number of staff who work with individual pupils with significant needs. Although some pupils, for example those with autism spectrum disorders, may benefit from continuity of staffing and very predictable educational experiences, the majority of pupils with additional support needs benefit from the richness of experience which results from receiving support from various members of a team of staff and this is affected by reductions in the sizes of staff support teams in schools.
- 6.6 Although teachers and support staff are very strongly committed to principles of inclusion, head teachers report that some staff are now becoming discouraged and frustrated because they feel that, as a consequence of reductions in staffing, it is no longer possible to meet the needs of some pupils in mainstream schools and teaching groups. Some staff are now questioning the quality of the educational experiences of some pupils with significant additional support needs who attend mainstream schools. Head teachers report an increased readiness on the part of some teachers to pass responsibility for individual pupils to pupil support colleagues or specialist support services, when they should be the responsibility of the 'whole' school.
- 6.7 Some secondary schools have sought to use their support staff efficiently by grouping pupils with high levels of need together, sometimes in smaller teaching groups, and directing support to those teaching groups. This has advantages but other consequences are that the educational experience of other pupils in those teaching groups may be adversely affected, the size of other teaching groups may have to be increased, and pupils in other teaching groups have no access to additional support.
- 6.8 Some secondary schools report that the overall frequency and severity of additional support needs of their S1 pupils is rising year on year. Limited resources are making it increasingly difficult to address these difficulties effectively so that as these year groups progress through the school the needs of the overall school population are increasing. In particular, diminished resources are making it less possible to intervene effectively with some pupils in S1 and S2, leading to problems in S3 and S4. This may impact on the success of these pupils in moving on to successful post-school education, employment or training.
- 6.9 There is a shared concern across some education staff and non-statutory organisations that there is a gradual increase in the number of pupils with additional support needs who are receiving part-time rather than full time education in an attempt to maintain some education in school rather than moving to exclusion. (See also section 5.20 below.)

6.10 **b. Support Available to Schools**

As part of savings measures the overall staffing of the ECS Quality Improvement team has been reduced and in addition the post of Quality Improvement Officer – Support for Learners has been deleted. These reductions have reduced the capacity and expertise of the ECS QI team to monitor the quality of ASL provision in Highland schools and to advise and support this aspect of school improvement. Members of the QI and ASN teams work closely together but have not been able to compensate for the reductions.

6.11 The number of ASL posts in Area ECS management teams has been reduced and in addition the filling of some vacancies has been delayed. This has impacted on the induction and training programmes for some teaching and other ASL support staff, and is thought to be a contributory factor to the higher levels of need which secondary school staff are encountering amongst their S1 pupils. It has also reduced the quality and amount of information available to inform some of the resource management decisions which Area ECS managers are required to make.

6.12 It has been noted that some schools are now less able to involve staff in training in relation to ASN. This is thought to result from the overall pressures and competing development priorities within schools and from diminishing resources to fund staffing cover to release staff.

6.13 **c. Support Available to Pupils with High Levels of Need**

As discussed earlier in this report there has been increasing targeting of support at those pupils with high levels of need for support.

6.14 No savings have been sought from the specialist education support services for pupils with hearing impairment and/or visual impairment, from the service to gipsy traveller pupils and those whose education is interrupted, or from the specialist team which supports those pupils who require access to specialised technology. One post was removed from the Autism Outreach Education Service (AOES) during 2006-07 and since that time the focus of AOES work has been to support advise and train staff in schools to enable them to understand and meet the needs of pupils with autism spectrum disorders.

6.15 No savings have been sought from budgets for the purchase of specialist equipment including hearing aids, low vision aids, switching and other input devices for computers, and intimate personal care.

6.16 No savings have been sought from the budgets which support specialist post-graduate training for ASN staff and it remains a requirement that members of these specialist education services achieve the relevant post-graduate qualification as soon after appointment as possible.

6.17 Scottish Executive/Scottish Government funding to Councils to support Speech and Language Therapy (SpLT) services for children and young people with ASN has been in place since the mid 1990s and the full amount of the funding has been passed to NHS Highland (NHSH) subject to a service agreement. The majority of SpLT service for children and young people has always been funded by NHSH, however, and in broad terms the Highland Council contributes 25% of the overall funding. This service is managed by NHS. During the period April 2005 to March 2009 Council funding has met the costs of 7.0 FTE SpLT. The reduction in spend on SpLT now proposed for the period 2009-2011 is approximately proportionate to the overall reduction in ASN spending over the period 2006-2011, and approximates to 1.0 FTE of therapy time. Discussions have taken place with NHS Highland to identify those aspects of service specified within the service agreement which appear to be greater than the actual need, and reductions in the service provided will be targeted at those aspects of service. In addition NHS Highland is considering whether any efficiencies can be achieved without reducing the overall level of service delivered.

6.18 Prior to the implementation of the Education (Additional Support for Learning) (Scotland) Act 2004 in November 2005 the Council's Psychological Service managed the legally specified assessment and planning processes leading to the opening of a Record of Needs. This was not felt to be an appropriate use of the time of educational psychologists and so the processes introduced by the ASL Act were assigned to other officers within the Council thereby freeing up significant time (estimated as several FTE) for educational psychologists. Feedback from both families and schools has been very positive and so there has been a reluctance to seek any savings from the psychological service budgets. For 2009-11 savings equivalent to 1.0 FTE educational psychologist and 1.0 FTE specialist pre-school teacher are being sought. The reduction in psychological service budgets now proposed for the period 2009-2011 is approximately proportionate to the overall reduction in ASN spending over the period 2006-2011, and is less than the estimated time of educational psychologists released by the changes in November 2005.

6.19 **d. Requests for Support or Advice from Families**

CHIP+ is jointly funded by The Council and by NHS Highland to provide independent information, advice and support for families. The Chief Executive of CHIP+ and her colleagues have identified gradual changes in the types of requests which CHIP+ receives, and it is likely that these may in part reflect the impact of the ASL savings measures.

6.20 CHIP+ is receiving an increasing proportion of requests for support rather than just for information in relation to education processes, and it is thought that this reflects increasing concern within families that their child's educational support needs are not being met. Responding to requests for support, for example to attend a meeting with parents/carers, is typically more time consuming than merely giving information.

6.21 Some individual pupils on behalf of whom CHIP+ staff are involved are being sent home on some occasions, or parents are being asked to collect them from school. This is thought to reflect the difficulties schools are having in meeting the needs of some pupils together with the wish of schools to continue to provide education for all their pupils. Although such informal processes do not stigmatise pupils with ASN by triggering formal exclusion processes they also do not trigger the legal and procedural protections for pupils which are conferred by formal exclusion processes.

6.22 CHIP+ staff suggest that families with high levels of need may be multiply affected by savings measures which have affected the capacity and availability of different aspects of education, social work and health services.

6.23 The reduction in funding for CHIP+ during 2007-08 reduced the overall capacity of that organisation by 1FTE. In order to respond to the changing pattern of requests for support from families CHIP+ has reduced the amount of outreach work across the Council. It has been felt important to prioritise that there are always sufficient staff available within the CHIP+ office to take incoming telephone calls.

**7. Equalities Impact**

7.1 This report describes savings measures implemented in relation to ASL budgets and the factors considered in an effort to minimise the impact of these

savings measures.

- 7.2 Staff who support pupils with additional support needs in education are predominantly female. ASL savings measures have not resulted in any redundancies and have not affected the pay or grading of this staff group. No equalities impact of the ASL savings has been identified.
- 7.3 The majority of pupils who require ASL are male. The ASL savings measures have affected male and female pupils similarly. No equalities impact of the ASL savings has been identified.
- 7.4 ASL budget pressures in previous years prevented an increase in English as an Additional Language provision which was proportionate to the rise in need for EAL support in Highland Schools. There may have been an equalities impact on some ethnic minority pupils. For 2009-10, however, two additional EAL teacher posts have been agreed.
- 7.5 No equalities impact of the ASL savings has been identified in relation to sexual orientation, religion or age.
- 7.6 The ASL budget savings have reduced levels of educational support to some pupils with disabilities.

## **8. Recommendation**

- 8.1 Members are asked to consider this report, and to agree:
1. ongoing consultation with stakeholder groups about the pressures on additional support for learning provision;
  2. a major commitment to build on implementation of *Getting it right for every child* through a review of existing policy and further training on additional support for learning with schools and partner agencies;
  3. to use the standard integrated assessment framework to quantify, aggregate and analyse trends regarding the number of children who require additional support through education plans and multi-agency plans in future years.

Signature:

Designation: Hugh Fraser, Director of Education, Culture and Sport

Date: 12 May 2009

Background Papers:

1. Report to ECS Committee, August 2008: Funding of Additional Support for Learners.
2. Booklet D, Highland Council, 12th February 2009, Revenue Budget 2009/10 & 2010/11, Administration Proposals, Efficiencies & Savings – Detail