

## LEARNING AND CULTURE SCRUTINY COMMITTEE

Minutes of a meeting held on 13<sup>th</sup> November, 2018.

Present: Councillor L. Burnett (Chairman); Councillor N.P. Hodges (Vice-Chairman);  
Councillors: Ms. R.M. Birch, S.J. Griffiths, M.G.J. Morgan, Mrs. J.M. Norman,  
Mrs. R. Nugent-Finn.

Co-Opted Members: Dr. C. Brown and Mrs. J. Lynch-Wilson.

Non-Voting Observer: Mr. I. Cramb and Mr. C. Edwards.

### 478 APOLOGIES FOR ABSENCE –

These were received from Councillors M. Lloyd and Mrs. S.D. Perkes.

### 479 MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 16<sup>th</sup> October, 2018 be approved as a correct record subject to a typographical error on page 1 of the minutes being amended to ‘The Chairman informed the Committee that the Additional Learning Needs Transformation Lead ...’.

### 480 DECLARATIONS OF INTEREST –

No declarations were received.

### 481 PRESENTATION - ADDITIONAL LEARNING NEEDS REGIONAL IMPLEMENTATION PLAN -

The Additional Learning Needs (ALN) Transformation Lead for the Central South Consortium informed the Committee that the Additional Learning Needs Education Tribunal (Wales) Bill had been passed by the National Assembly for Wales and after receiving Royal Assent became the Additional Learning Needs Educational Tribunal (Wales) Act 2018 on 24<sup>th</sup> January, 2018.

It was expected that the ALN system set out in the Act would be fully implemented over a three year period from September 2020 to August 2023. Liz Jones stated that, with an emphasis on a multi-agency process, the Act aimed to create:

- a unified legislative framework to supported all children of compulsory school age or below with Additional Learning Needs
- an integrated, collaborative process of assessment, and monitoring which facilitated early, timely and effective interventions

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- a fair and transparent system for providing information and advice and for resolving concerns and appeals.

The Committee noted that a transformed system would ensure that all learners with ALN were supported to overcome barriers to learning, improve the planning and delivery of support for learners aged from 0 - 25 with ALN, and focused on the importance of identifying needs early and putting in place timely and effective interventions. The Central South Consortium Additional Learning Needs Transformation Lead added a caveat that at the moment the Consortia and local authorities were preparing for the future implementation of the Act, however, had to continue with existing processes as well and this would lead to resource pressures as the two systems were run side by side.

In order to support the implementation of this new system, Welsh Government was providing financial assistance through the ringfenced ALN Transformation Grant which was provided at a regional setting. The ALN Transformation Grant had to be used by the host local authority to employ a regional ALN Transformation Lead who would be responsible for the delivery of a strategic programme of work agreed by local authorities to support preparation of the duties of the Additional Learning Needs and Education Tribunal (Wales) Act 2018, and to ensure financial accountability.

The Committee was informed that the conditions of the ALN Transformation Grant spend stipulated there had to be in place a:

- Regional Implementation Plan,
- State of the region summary document detailing areas to focus on in preparing for transition to the new ALN system
- Multi-agency regional Additional Learning Needs and Educational Tribunal (Wales) Act training plan.

Liz Jones stated that she had met with all local authorities in her region, to ensure that the State of the Region summary document was as accurate as possible, and added that the Vale of Glamorgan Council had engaged fully in the process, and was well and truly aware of what needed to be done to be compliant with the new Act. She continued that between March and July 2018, extensive analysis was carried out across the region to identify strengths to aid development and following these activities a summary document detailing the state of the region was created as well as a consequent Regional Implementation Plan.

Liz Jones reiterated that the Central South Consortium was looking for compliance with the Act for 2020, and the Regional Implementation Plan identified a series of regional priorities which were detailed in paragraph 5.1 of the report. The Committee was informed that these priorities were aligned to ensure compliance with the Act and a multi-agency, multi-disciplinary steering group was in the process of being formed. Governance structures were in place, as were performance management processes to ensure the project remained on task within the confines of the Grant spend recommendations and monitored financial accountability.

All local authorities needed to be able to demonstrate that the implications of the Act and associated Code of Practice were clearly understood, and the Code of Practice

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was expected to be consulted upon at the end of the autumn term. Local authorities also had to promote effective joint working and develop effective working relationships with parents, carers, children and young people which Liz Jones felt was very important.

Finally, the Additional Learning Needs Transformation Lead for the Central South Consortium emphasised the importance of compliance with the new Act, and she could see no reason why local authorities could not achieve this. The next version of the Regional Implementation Plan would be published in March 2019, and she informed the Committee that they were welcome to see these subsequent plans.

A Member stated that it would be difficult to create a multi-agency, multi-disciplinary steering group and queried how this was being formed. In response, Liz Jones stated that she was identifying strategic partners and had been in dialogue with local authority Directors of Education for contacts, including colleagues who worked in the Health Sector. She added that for strategic focus, these contacts were being developed by the Regional Transformation Leads. The Head of Achievement for All added that it would be a challenge to ensure that the project remained on track, and while the implementation timescales felt a long way off there was still lots to do and the time would go quickly. He considered it therefore important that the right people were working on this issue and more work had to be done at this stage with key partners. Liz Jones added that the identified regional priorities included the establishment of a statutory role of the designed educational clinical lead officer to ensure Health Board arrangements were fit for purpose and develop shared expectations and supportive working practices.

A Member queried what work was being undertaken to address young people not in education, employment or training as part of the Additional Learning Needs and Tribunal (Wales) Act 2018 particularly when young people transferred into the authority and he wondered if there was a tracking system in place. In response, the ALN Transformation Lead for the Central South Consortium stated that for learners who were aged from 19 to 25, this matter was being progressed with Further Education providers who she confirmed had places on the ALN Regional Project Board. She stated that local authorities had to ensure that the needs of young people not in education, employment or training were met, however, Further Education providers were businesses, which local authorities had to recognise and work with. The Head of Achievement for All stated that this was an issue of concern as Further Education providers were not in the local authority remit. He confirmed that this issue had been flagged up throughout the consultation period and equally Welsh Government had a role to ensure that the needs of young people were met through funding allocations, not just those who were higher performers. He felt that at present, the Additional Learning Needs and Tribunal (Wales) Act 2018 and Further Education funding was not aligned, however, the Officer hoped this would be harmonised by 2020. Liz Jones stated that the Central South Consortium tried to ensure that no children with Additional Learning Needs were disadvantaged or needed to go out of county for support with the objective that the available provision would meet the local needs.

In response to a question on the outcomes of Priority 7 of the Central South Regional Project Plan 2018-2019, to review and improve Welsh Medium provision

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and specialist support to increase regional capacity, Liz Jones confirmed that different local authorities had different needs. She stated that bilingualism was a core assumption as part of the Act and that Welsh Medium education was solvable at a regional level and as such the Consortium was looking to improve economies of scale.

The Chairman queried if the project plan was a fore-runner of a move towards regional provision, where a broad spectrum of need would be met with equally broad provision. In response, the Head of Achievement for All stated that while this was not a fore-runner of regional provision, local authorities had to consider regional approaches to working where appropriate, noting that models with small provision had little resilience. Instead, developing a cost effective resilient team would open up regional dialogue and as such Councils would be working closer together and collaborating.

The Chairman sought more information on the timescales of the implementation and preparation for the Additional Learning Needs Education Tribunal (Wales) Act 2018, and how the two systems of provision would run alongside each other. Liz Jones stated that from September 2020, the new system would start and local authorities would transfer to Individual Development Plans away from Special Educational Needs Plans. Welsh Government had issued guidance as to which pupils would be transitioning first, with the remaining pupils identified in future years from 2020. She did, however, confirm to the Committee that the Act had no legal basis until it was fully in place. That said, some local authorities had started to pilot both models side by side, including innovative schools in the Vale of Glamorgan.

Finally, the Additional Learning Needs Transformation Lead for the Central South Consortium stated that she would be happy to come back and provide updates to the Scrutiny Committee once the Implementation Plan had progressed, when she would be able to provide more definite information. The Head of Achievement for All noted that Liz Jones had already presented the Regional Implementation Plan to headteachers, and would present to school governors in the future. He stated that the Code of Practice was a key document and he encouraged all Members to respond to the consultation.

There being no further questions, it was subsequently

**RECOMMENDED - T H A T** the Additional Learning Needs Regional Implementation Plan be noted and a update be presented at a future meeting once the Implementation Plan had progressed.

#### Reason for recommendation

To note the progress made against the Additional Learning Needs Regional Implementation Plan.

482 SCHOOL PERFORMANCE REPORT 2017 - 2018: FOUNDATION PHASE AND KEY STAGES 2 - 5 (REF) -

The report had been referred to the Committee by Cabinet on 15<sup>th</sup> October, 2018 for its consideration of pupil attainment and school performance outcomes. The Lead Officer for School Improvement and Senior Challenge Advisor presented the item, noting that changes had been made to the performance measures in 2016 - 2017 which affected any possible comparisons that could be made against previous data. Therefore, she urged caution when comparing outcomes of data prior to 2017.

The officer began by informing the Committee that there had been many changes to the Foundation Phase across all areas of learning at this level and they were generally now more demanding. She stated that schools were aware of these changes and the local authority had worked hard to make it clear to schools what the changes would mean to them, including appointing a company to work with schools, who had also presented information at headteacher meetings to ensure there was a clear picture. Appendix 1 attached to the report detailed the changes which came into effect in 2017-2018.

The officer then detailed for the Committee the progress made in Key Stage 2, where the Vale had performed very well. Decreases had been observed, however results were broadly in line with expectations. The officer was pleased to report that outcomes for Level 5 had risen again and were higher than the Consortium average. It was also noted that despite the improvement in boy's performance, girls continued to outperform boys in all indicators above Level 4 and Level 5. The committee was informed that reducing the difference in performance between those pupils eligible for free school meals (eFSM) and those who were not eligible for free school meals (nFSM) was a national priority. The officer stated that while the performance of both groups of learners was increasing, they were in line with each other and the gap was not being reduced. At Outcome 6, the gap had narrowed slightly in many indicators but remained too wide. The Committee was informed that schools were investigating how to narrow this gap, including Jenner Park Primary School and Cadoxton Primary School who had over 40% of pupils eligible for free school meals. The officer had approached these schools to review their action research and discovered that the Year 6 teachers who had been engaged on this project, as a result of investigating different methods of learning, had changed their teaching methods to classes of mixed abilities rather than grouping learners into those of similar abilities. Various benefits had been observed, with positive increases in student wellbeing, and in writing and mathematics performance eFSM learners were making accelerated progress against learners who were taught in groups of similar abilities. The Committee was informed that in Cadoxton Primary School the gap had dramatically narrowed and in some outcomes the eFSM learners outperformed nFSM learners.

At this stage of the proceedings, a Member sought a point of clarification as to whether the mixed ability teaching prevented higher performing learners progressing. In response, the Lead Officer for School Improvement and Senior Challenge Advisor stated that this was not the case, with the learning experience for more able learners being enriched through being able to help those who were not performing so well. She also noted that Cadoxton Primary School and Jenner Park Primary School

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offered outreach programmes and fed into Pencoedtre High School who were also exploring mixed ability classes in Year 7.

With regards to the progress made in Key Stage 3, the Committee was informed that standards remained very strong. At Level 5, the gap in performance between eFSM and nFSM pupils remained too wide, and in some cases had increased, again due to unequal rises in performance. The Committee was informed that the progress in Key Stage 4 detailed in paragraph 13 of the report was based on provisional results, and the Lead Officer for School Improvement and Senior Challenge Advisor provided updates and amendments to the figures. For Level 2+, which was 5 GCSEs Grade C or above, the performance had increased to 66.3%, rather than 66.1%, and was the largest increase in Wales, and the Vale of Glamorgan was now ranked first when compared to other local authorities in this key indicator. It was noted however, that the performance of eFSM pupils had dipped slightly and still required working on. She also clarified that the Wales average was now 59.1% rather than 60.3%. Mathematics had actually seen a 4.2% increase resulting in an increase from 67.3% in 2017 to 71.3% in 2018. It was noted that boys continued to outperform girls in both mathematics and numeracy.

For the performance of English in the Vale of Glamorgan, the Lead Officer for School Improvement and Senior Challenge Advisor stated that she suspected the Vale of Glamorgan would soon be confirmed as the highest performing local authority within the Central South Consortium, as she was pleased to see increases in these indicators. She also advised that the performance of Welsh language in the one Welsh Medium school had improved by 3.6% rather than 2.5%.

The percentage of pupils achieving 5 A\* to A grades increased further from 24.8% in 2017 to 27.6% which was significantly higher than the Wales average of 18%. The Lead Officer for School Improvement and Senior Challenge Advisor informed the Committee that the Vale of Glamorgan was the top performing Council in Wales for this Measure. The officer then detailed the Capped 9 performance measure, which in 2019 would become the key performance indicator replacing the Level 2+, and the Director of Learning and Skills confirmed for the Committee that the Vale of Glamorgan was also the highest performing Council in Wales for this indicator.

At Level 2, the Vale of Glamorgan's performance had provisionally increased by 1.6% to 75.4% and the authority had improved from 4<sup>th</sup> to 2<sup>nd</sup> in Wales. The Committee noted, however, that the Level 2+ performance of eFSM pupils remained unacceptably low. The officer also added that for the Level 1 threshold performance, the Vale of Glamorgan had historically struggled with this Measure. In 2016 the authority was 12<sup>th</sup> in the rankings, and in 2017 the authority had risen to 4<sup>th</sup>.

For the progress made at Key Stage 5, the percentage of pupils achieving the Level 3 threshold had increased slightly from 98.1% to a revised figure of 98.8% and these figures were detailed in Appendix 3 attached to the report. The Lead Officer for School Improvement and Senior Challenge Advisor stated that the A Level performance with the local authority remained stable and for the A\* to A Grades was very good, particularly in Cowbridge Comprehensive School and Ysgol Gymraeg Bro Morgannwg, and concluded that overall the Vale of Glamorgan compared very favourably to the Welsh average.

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The Chairman stated that the school performance results for 2017/2018 for the Foundation Phase and Key Stages 2 to 5 were a stunning set of results, tempered by the eFSM outcomes. She was interested to hear of the results from Cadoxton Primary School and Jenner Park Primary School, and queried if there were any good examples across the wider Consortium of secondary schools narrowing the gap in performance between eFSM and nFSM pupils. She stated that some children had limited options and wondered if best practice could be drawn into future reports. In response, the Lead Officer for School Improvement and Senior Challenge Advisor commented that good work was being done to provide opportunities for eFSM pupils, however was more focussed on targeted approaches for specific pupils rather than generally narrowing the gap in performance, commenting that every school had a clear overview of their eFSM pupils and could therefore utilise a targeted approach. She noted that learner cohorts constantly changed through the Foundation Phase and Key Stages 2 - 5 and it was therefore hard to quantify changes in performance against the changes in the year group. She felt that the changes in measures would impact positively on the performance gap between eFSM and nFSM pupils as previously it had been focussed on reaching key thresholds.

The Director of Learning and Skills stated that there was also a tendency for secondary schools to focus the Pupil Deprivation Grant on Year 10 and 11 pupils, however, the authority was now seeing a greater focus on supporting the earlier year pupils and advised the Committee that it could take time to see the results of this change.

Having considered the report it was subsequently

RECOMMENDED - T H A T the pupil attainment and school performance outcomes, and changes to the performance measures, be noted.

#### Reason for recommendation

To note the attainment of pupils and the performance of schools in 2016-17.

### 483 PROVISION OF SANITARY PRODUCTS IN SCHOOLS IN THE VALE OF GLAMORGAN (DLS) –

Before presenting this item, the Chairman gave thanks to Councillor Mrs. J.M. Norman for calling on the Scrutiny Committee to support in principle the provision of free sanitary products in all schools in the County. Since the Committee had considered this item on 23<sup>rd</sup> April, 2018 the work had progressed quickly. The Committee was informed that the Council had now received the £31,512 capital funding allocation from Welsh Government for the 2017/18 financial year, and revenue funding of £8,666 for the 2018/19 and 2019/20 financial years. A £1,170 donation was also received from Unison to tackle period poverty in the Vale of Glamorgan.

The Chairman noted that the details of the work undertaken by the Delivery Working Group established from Members of the Learning and Culture Scrutiny Committee

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were detailed in paragraph 9 and onwards of the report, with the Chairman noting that there had been no delay in sending out relief packs of £1,000 worth of sanitary products for each secondary school in the Vale of Glamorgan, and £30 worth of sanitary products for each primary school which had been recommended at the last Scrutiny meeting where this item was discussed and subsequently endorsed by Cabinet. At this stage, a Member expressed disappointment that the Vale of Glamorgan Council had not used any additional Council funds to augment the funding for sanitary products.

The Chairman then gave a brief overview of the work undertaken by the delivery group, stating that a survey had been undertaken, the matter had been discussed with schools and at the Vale Youth Forum, and it became apparent that there was a lack of parity of provision from schools, in particular whether products were made available for all learners, or only those who were eligible for free school meals. The Chairman stated that the Delivery Working Group was clear in its intention that sanitary products should be made available to all learners in the Vale of Glamorgan who required them.

At this stage, the Chairman wished to give thanks to the schools who hosted the Delivery Working Group for their time and allowing the Councillors to visit the school sites. She informed the Committee that the Delivery Working Group found that some schools were very forward thinking in their approach, providing a range of products from multiple sources, including pick up points, and a range of clothing and additional school uniforms and publicised the services available in an open and welcoming environment. The Chairman added that the Delivery Working Group also felt that the issues of dignity and privacy surrounding learners accessing and using sanitary products was also important. The final feedback received from the site visits was that communication with learners was very important, and this was not just a “girl” issue as all students wished to be involved in conversations on this matter.

In agreement with this sentiment, a Vale Youth Forum member confirmed that learners were in desperate need of sanitary products and some found it hard to know how to access emergency provision in schools, adding that if he as a Vale Youth Forum representative did not know what provision was available, then he could not inform other pupils through the Vale Youth Forum, and as a representative. In support of his colleague, another Vale Youth Forum member stated that learners had skipped lessons due to a lack of provision of sanitary products, and many were embarrassed and did not wish to ask male teachers for emergency supplies.

A Member of the Committee stated that she had addressed the Llantwit Major Youth Forum to discuss the work of the Delivery Working Group to provide sanitary products in schools in the Vale of Glamorgan and was dismayed to learn that subsequently, one learner was unable to access sanitary products at her school, which was a very different attitude to that of the best practice found in other schools, and the wishes of the Delivery Working Group. The Member confirmed that in other schools, there were numerous points where pupils could access products and even help themselves without having to ask teachers, and the issue was treated in an open fashion. Finally, the Member stated she would like to visit schools and discuss this item at the Vale Youth Forum in future to see if provision had improved.

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A member of the Vale Youth Forum noted that as part of the UK Youth Parliament “Make Your Mark” Campaign, a significant number of young people had voted for this issue as a pressing matter to be piloted.

The Chairman continued, stating that the Delivery Working Group had considered various options ranging from do nothing, to school level provision, to service level provision. The Delivery Working Group felt that certain schools in the Vale of Glamorgan already had successful procedures in place and subsequently recommended that the funding from Welsh Government be delegated to schools in line with the best practice observed, in line with terms and conditions drawn up by the Delivery Working Group which were detailed in paragraph 22 of the report. The overall allocations to schools in the Vale of Glamorgan was based upon the number of learners on roll for all Year 5 and above learners, and a breakdown was detailed at Appendix A attached to the report. To complement the provision at schools, the Delivery Working Group also wished to purchase a selection of sanitary products for foodbanks in the Vale of Glamorgan, to the value of £100 each.

With regards to the capital funding from Welsh Government, the Chairman noted that the Delivery Working Group considered static distribution methods, such as vending machines, cupboards and baskets as an inappropriate use of the capital funding as they did not synergise with existing solutions that could fulfil a similar job, would be difficult to incorporate within modern facilities and restricted the products available to learners. Instead, mindful of the need to increase privacy and dignity for learners who might be affected by their period, the Group requested the funding be used to enhance cubicles in schools. The Delivery Working Group had been impressed with the facilities available in new secondary school buildings, however were concerned with the facilities available at some older primary schools within the County. Based on responses received and analysis undertaken by the Council’s Property Section, the Delivery Working Group visited a couple of primary schools within the Vale of Glamorgan and noted that the toilet facilities available in one school were in a piteous state and did not afford learners any privacy and dignity with none of the cubicles being wide enough to house any sanitary hygiene facilities. The Committee noted that refurbishment of the toilets at the school as part of the Education Capital Programme was not imminent. In addition, the Chairman wished it to be noted that the Delivery Working Group would like issues of dignity and privacy to be considered alongside hygiene concerns when looking at toilet refurbishments under the Education Capital Programme, especially in Victorian schools.

In conclusion, the Chairman wished to thank the Delivery Working Group for bringing this item to the Learning and Culture Scrutiny Committee and for their hard work.

A Member also requested that she would like contact to be made with local charities which provide sanitary products in schools to explore options for future provision once the funding from Welsh Government had expired. The Cabinet Member for Learning and Culture also wished it to be added that he and the rest of the Cabinet had supported and endorsed the previous recommendations of the Learning and Culture Scrutiny Committee, noting that at its meeting on 23<sup>rd</sup> April, 2018, the Committee had been advised that no exact timescale for the grant from Welsh Government had been given, however Cabinet endorsed procuring sanitary products before the funding was received to ensure there was no delay.

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It was subsequently

RECOMMENDED – T H A T the following be urgently recommended to Cabinet:

(1) T H A T the remaining £209.05 from Unison be augmented with £490.95 from the Welsh Government 2018/19 revenue grant to purchase and donate a selection of sanitary products to the value of £100 for each Vale foodbank in the Vale of Glamorgan and the foodbank operated by the Tabernacle Baptist Church in Penarth.

(2) T H A T the remaining £8,175.05 revenue grant from Welsh Government for the 2018/19 financial year be distributed to schools through the allocations detailed in Appendix A, as part of a ring-fenced fund, the terms and conditions of which are:

- That resources, including sanitary products and emergency clothing, are made freely available to all students;
- That a selection of resources are made available based on the needs of the students;
- That access to free sanitary resources is widely advertised and all students are aware of how these can be accessed;
- That a named individual has lead responsibility in ensuring a good selection of stocks are maintained;
- The students can access enough items to support more than their immediate needs;
- That resources are easily accessible at identified / highlighted venues.
- That at the end of the financial year, any unspent funding is returned to the Learning and Skills Directorate Finance Manager for reallocation in line with the above terms and conditions.

(3) T H A T delegated authority be granted to the Commercial and Consultancy Manager, in consultation with the Director of Learning and Skills, to utilise the capital funding of £31,512 from Welsh Government to improve the toilet facilities in Holton Road Primary school to ensure dignity and privacy for pupils.

(4) T H A T the use of article 14.14 of the Council's Constitution (urgent decision procedure) be authorised in respect of recommendation 3 above, to effectively use the capital funding from Welsh Government before the end of the financial year.

(5) T H A T the Wellbeing Lead at St. Cyres Secondary School be invited to address the Wellbeing Group to share the best practice found at that school.

(6) T H A T the £8,666 revenue grant from Welsh Government for the 2019/20 financial year be distributed to schools using the same allocation method detailed in appendix A, updated with the next academic year numbers on roll, as part of a ring-fenced fund, the terms of conditions of which as are recommendation 2 above.

#### Reasons for recommendations

(1) To provide emergency relief to citizens of the Vale of Glamorgan who might not be able to access sanitary provision in schools.

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(2) To provide schools with flexible access to the revenue grant from Welsh Government in line with the wishes of the Learning and Culture Scrutiny Committee Delivery Working Group: that all learners can easily access sanitary provision with dignity.

(3) To improve the toilet facilities at the Primary School to improve privacy and dignity for learners and ensure the Capital funding from Welsh Government was utilised within timescales.

(4) To effectively use the capital funding from Welsh Government before the end of the financial year.

(5) To share the best practice found at that school.

(6) To provide schools with flexible access to the revenue grant for the 2019/20 financial year.