

EXECUTIVE COUNCIL

RESTRICTED

Title of Report: Employment of Additional Learning Support Assistants within the Education Department

Paper No: 01/09

Date: 29th January 2009

Report of: Director of Education

1.0 Purpose

To secure the services of an additional 3.0 Full Time Equivalent (FTE) Learning Support Assistants to meet the needs of pupils who exhibit special educational needs (SEN) within the education system in January 2009.

2.0 Recommendations

Honourable Members are recommended to:

- (a) approve the establishment of three additional Full Time Learning Support Assistant posts within the education department; and
- (b) to recommend to Standing Finance Committee the provision of the required funding of £20,275 in 2008/9 be found from within the existing Departmental budget and be an increased requirement in the staffing budgets for both schools in 2009/10.

3.0 Summary of Financial Implications

	2008/09	2009/10	Full Year
	£	£	£
<u>Operating Budget</u>	£20,275	£48,660	£48,660

Additional funding required in 2008/9 to be found from within existing resources.

4.0 Background

- 4.1** There are an increasing number of pupils in statutory schooling who exhibit SEN, although overall, within the Education Department, the incidence of those who might in the United Kingdom receive a statement of special needs is in line with what might be expected.
- 4.2** The numbers of pupils with designated SEN within statutory schooling is 82 out of a total school population of 390 pupils; that is 21% (See Annex 1 and 2). In reviewing the provision for children with SEN in order to formulate a Special Needs Policy for the Education Department it became clear that the provision currently being made was not equitable for all pupils. Children who have clearly visible needs with a medical dimension are often afforded personal funding; those who have less visible needs but still require support to maximise their potential are less likely to receive adequate support. Some children and young people, in the inclusive settings which are an example of best practice in the schools, require and must have one to one support at all times.
- 4.3** Section 29 of the Education Ordinance provides that schools in Stanley shall have such facilities as the Governor thinks necessary to provide an efficient education to pupils. Section 31 of the Ordinance deals specifically with SEN children. Section 31 provides that section 29 imposes no additional burden upon the Governor with regard to SEN children, but that the Governor may provide such facilities and employ such teachers as he thinks fit in relation to those children.
- 4.4** Children with SEN currently enrolled at the schools are afforded individual support through the employment of Learning Support Assistants (LSAs). Currently IJS/Camp benefits from 9.7 (FTE¹) and FICS from 5.1 (FTE) Learner Support Assistants.
- 4.5** 44 out of 250 pupils (18%) in IJS/Camp have additional needs. As a consequence of the severity of the exhibited needs in IJS and the school policy of early intervention to try to address the learning difficulties as early as possible, it can be seen from Annex 1 that 23 pupils in Years 4 – 6 have all their special needs met by 0.6 (FTE) LSA support. This equates to 1.5 hours support out of every 25 available per child.
- 4.6** 37 out of 140 pupils (26.4%) in FICS have designated special needs. Two children require full time specialist one to one support for them to be able to function in a mainstream setting. A third child would benefit from the same provision but this is not possible at the present time. As a consequence of this requirement the special education needs of the remaining 35 pupils must be met by 3.1 FTE Learning Support Assistants. This equates to 2.7 hours per week per child across all subjects of the national curriculum.

¹ Full Time Equivalent

- 4.7** In 2008/9 the range of special needs in FICS is detailed in Annex 2. What can be seen is that there are significant numbers of children who exhibit reading ages considerable below their chronological age. This means that for the most part they are unable to access the mainstream curriculum with ease. The consequence of this is that as they mature they continue to fall behind in their studies. This in turn leads to frustration, boredom and disruptive behaviours which deflect attention from their inability to read understand and cope with the curriculum. What support there is available is focussed on pupils who have the most acute learning needs.
- 4.8** Additionally the lack of adequate support means that the specialist special needs teachers are too often engaged in support strategies which could be carried out by a skilled LSA and therefore less available to undertake the specialist teaching which would help more pupils to make progress.
- 4.9** It also curtails the formulation of Individual Education Plans, a requirement for children with special needs, and the monitoring and assessment of the implementation of those plans and the tracking of progress that pupils make in their learning.
- 4.10** The amount of training and support that the specialist special needs staff can make available to other subject teachers to improve the provision of an appropriately differentiated curriculum, a clear need in the mixed ability classes which run throughout the school, is also diminished significantly.
- 4.11** It should also be recognised that the current Year 7 in FICS is a smaller group than usual as a result of IJS/Camp splitting a previous year group due to the number of special needs pupils. Year 7 in 2009/10 will contain 12 pupils out of 31 who have identified special needs.

5.0 Proposal

- 5.1** In order to provide adequate support and provision for the children with SEN it is proposed that additional Learning Support Assistant capacity equivalent to 3.0 FTE posts be provided.
- 5.2** The request for 3.0FTE is modest given the numbers of children involved.
- 5.3** In FICS given that there are children who exhibit special educational needs which require additional support in each form group it would be reasonable to anticipate an additional support assistant in each group thus equating to 10 LSAs plus 2 LSAs who are specifically assigned to individual children who require continuous 1:1 support. The current number is 3.1 plus two who are specifically assigned to individual children.
- 5.4** In IJS an increase of 0.5FTE would meet the needs of the child whose behaviour has deteriorated but would still leave Years 4 – 6 with minimal support.

- 5.5** Taking account the pressures on the budget it was felt that an additional three posts would be sufficient to ease the current pressures and provide sustainable flexibility of provision rather than seek to reach the ideal provision of 12 LSAs in FICS (that is an additional 7 posts) and an additional 2 posts in IJS.
- 5.6** It would be reasonable for Members to question why this need for additional staff seems to have arisen suddenly and why is there no provision currently included in the Budget.
- 5.7** Firstly, the deterioration in the condition of a child which necessitates more intensive one to one support cannot be predicted. The behaviours which the child is now presenting pose a danger both to himself and others without additional support. He is now also affecting negatively the learning of other children in the class. Nor can that deterioration be neatly compartmentalised within the constraints of the annual budget setting process. The 2008/9 Budget was compiled in 2006/7 when the special needs of the child were being catered for within the existing staffing provision.
- 5.8** Secondly, the context within which FICS was operating last year during the budget setting process was unsatisfactory (as evidenced by the Inspection Report of November 2007 – the time the budget was compiled). The satisfactory progress which has been made since that time has included a thorough review and analysis of the extent of the special needs which prevail. This has now been detailed in an objective and systematic manner. That analysis shows that just over 26% of the school population have special needs. This is a higher than average percentage for a secondary school and the support currently available is insufficient to meet adequately the needs of all the pupils.
- 5.9** With the creation of one special needs unit it is not intended that any appointments made should be specifically linked to any school, although they would have a ‘home base’ as the strategies used in dealing with primary or secondary pupils do vary. This will allow the SENCO to manage the support team in a way which best suits the needs of the pupils and maximises the effectiveness of the available resource.
- 6.0 Consequences**
- 6.1** Should the additional staffing requirements not be acceptable then in the short term, the resources available from the current staffing complement of LSA support would need to be adjusted in IJS/Camp. This would mean that the time available to those with milder conditions would need to be reduced. There is therefore the danger that the progress they make would be slower and the gap between them and their peers wider. This of course makes the task of teachers in later years more difficult and complex.
- 6.2** In respect of FICS, the support available to students would remain inadequate as it is at the moment. This would mean that the status quo would be maintained as would the problems with the increasing disaffection and behavioural attitudes of some students as they become more distanced from

the learning process as a consequence of the limitations that their particular special needs place upon them.

- 6.3** The ability of the Learner Support Unit to introduce more appropriate curriculum courses for students, such as the 'ASDAN Workright' will also be curtailed. It is the professional opinion of the SENCO that there are significant groups of pupils with learning and behavioural difficulties that will require more support in mainstream classes or alternative programmes than there is currently capacity to provide.
- 6.4** Past experience has demonstrated that without robust special needs identification, support and individualised education programmes it is possible for some children to progress through the school with undetected special needs only to be diagnosed when they enrol at College. FICS, as part of its improvement programme and following the best practice guidelines evinced in Every Child Matters and the UN Convention on the Rights of the Child is attempting to address the issue in a proactive manner to ensure that all children are given appropriate support and that no child is left behind.

7.0 Financial Implications

- 7.1** Each FTE Learning Support Assistant post receives remuneration of £16,220 per annum inclusive of pension contribution costs, making a total additional cost of £48,660 per annum. As the posts would start in February 2009 the additional funding required in the 2008/09 financial year for these three posts would be £20,275.
- 7.2** Funding has not been included within the Education Department Budget to cover these costs as the particular needs of the child in IJS were not apparent when the budget was formulated in 2007/8 and the information now available from FICS and the lack of sustained and adequate support for pupils had not been presented in such objective detail during the budget setting process in December - January 2007/8 (School Summer Holiday period).
- 7.3** Provision for an additional 2 FTE Learning Support Assistants has been made in the draft budget submission for 2009/10 for FICS. No provision has been made in 2008/9 but it is estimated that the £20,275 required could be met from savings, virements and adjustments within the Education Department budget as a whole.
- 7.4** The Financial Secretary questioned why these staffing requirements had only just come to light and provision had not been made during the budget setting process for 2008/9. Those points are addressed in Paragraphs 5.3 and 5.4.

8.0 Legal Implications

The Falkland Islands Constitution (section 12) entitles every child to free primary education.

The United Nations Convention on the Rights of the Child (article 23) recognises that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. The disabled child is entitled to special care, and, subject to available resources, assistance appropriate to the child's condition and the circumstances of their parents or carers should be made available by the state. Assistance should be provided free of charge, whenever possible, taking into account the financial resources of the child's parents or carers, and should be designed to ensure that disabled children receive inter alia education, training, preparation for employment and recreational opportunities in a manner conducive to ensuring the child achieves the fullest possible social integration and individual development.

9.0 Human Resources Implications

There will be a need to recruit three new members of staff which experience has shown are likely to be local Falkland Islanders.