

Plans to support children and young people with additional learning needs

- 7.2 Currently, young people with additional learning needs (also referred to as special educational needs) will have one or more of the following plans:
- a. A statutory statement of special educational needs (SEN)
 - b. A non-statutory individual education plan
 - c. A statutory learning and skills plan
 - d. A college based non-statutory plan.
- 7.3 Which of the above plans a child or young person has, will depend on the statutory basis of the special education provision and the stage the young person is in their school career. Children and young people with the most complex needs, for example, will have a statement of SEN and an individual education plan whilst attending school and will have a learning and skills plan whilst attending post-16 education at an FEI. Children and young people with mild to moderate additional learning needs (ALN) will have an individual education plan whilst attending school and a college-based plan whilst in post-16 further education.
- 7.4 As well as having diverse plans, children and young people currently have diverse rights. Children and young people who have a statement of SEN can challenge decisions made by the local authority regarding provision, by appealing to the Special Educational Tribunal for Wales (SENTW). Children and young people who have an individual education plan are not able to appeal to SENTW to challenge decisions made by schools regarding provision.

Option one: do nothing

- 7.5 Under option one, the existing approach regarding education plans to support children and young people with additional learning needs would continue.

Advantages

- 7.6 Option one does not involve any additional costs.

Disadvantages

- 7.7 The current system is inequitable. Children and young people with the most severe needs and who fall above the threshold for having a statement of SEN, have service provision which is protected by law. In contrast, children and young people whose needs are less severe and who fall below the threshold for having a statement of SEN do not have protected provision or statutory rights.
- 7.8 The existing eligibility threshold for a statement of SEN is not defined in the Special Educational Needs Code of Practice for Wales¹⁴. Consequently, local authorities can interpret eligibility in diverse ways, resulting in inconsistency between local authorities.
- 7.9 The existing practices and processes associated with statements of SEN are inefficient and inflexible, and can result in ineffective provision for children and young people.
- 7.10 The current arrangements for reviewing and amending statutory plans are administratively cumbersome and involve schools inviting a prescribed set of professionals, regardless of whether their presence and input is necessary to the effectiveness of the review. Statutory reviews take considerable time to organise and prepare for. Amending a plan can, therefore, be a lengthy process and can result in learners experiencing delays in receiving the most appropriate support.
- 7.11 In addition, there is little flexibility when reviewing the provision for children and young people who are on the threshold for receiving statutory support. Where, for example, the outcomes of a statutory plan have been achieved for a child or young person, concern from parents about losing statutory entitlement may result in pressure for the plan and its provision to be maintained, despite this not necessarily being the most effective provision for the young person.

¹⁴ <http://learning.gov.wales/docs/learningwales/publications/131016-sen-code-of-practice-for-wales-en.pdf>

- 7.12 The current system does not facilitate smooth transitions between distinct stages of education. That is, between early years and school and between school and post-16 education. This can have a negative impact on the education of learners.
- 7.13 In addition, the current system does not provide all children and young people with ALN a right of appeal to the Special Educational Needs Tribunal for Wales. Unlike children and young people of compulsory school age, young people in post-16 education are currently not able to appeal to the Special Educational Needs Tribunal Wales.

Option two: replace existing support plans with a single plan for children and young people with additional learning needs

- 7.14 Under option two, the existing statutory and non-statutory plans for learners with SEN and LDD would be replaced with a single statutory individual development plan (IDP) for all children and young people with ALN.
- 7.15 The IDPs will be maintained by schools, further education institutions (FEIs) or by local authorities. It is expected those children and young people who currently have a non-statutory plan will have a school/FEI maintained IDP and those who have statutory plans will have a local authority maintained IDP
- 7.16 Option two is the preferred option.

Advantages

- 7.17 There would be no additional ongoing costs associated with developing and reviewing IDPs following their implementation¹⁵. The proposed definition of ALN is similar to current definitions of SEN and LDD¹⁶. Thus, the number of learners who would be defined as having ALN should be the same as those who currently have SEN or LDD.
- 7.18 Using the term additional in relation to learning needs would have the benefit of helping to avoid the stigma associated with the existing term of special and move the focus to the additional support children and young people require to access education.
- 7.19 All children and young people with ALN would be treated equitably regardless of the severity of their need. All learners in early years settings, schools (including maintained nurseries, pupil referral units and special schools) and FEIs who require additional learning provision (ALP) would be entitled to a statutory plan, the IDP.

¹⁵ It is possible, however, FEIs could incur additional ongoing costs of £23,200 responding to appeals made by young people with LLD and PMLD as a result of extending the right of appeal to SENTW to include young people up to the age of 25 who have ALN who attending FE.

¹⁶ See the introduction of the term Additional Learning Needs section of the explanatory memorandum.

- 7.20 Introducing statutory plans for all young people with ALN would enable a greater focus on early identification and support. Early intervention could result in cost savings through, for example, preventing needs from escalating.
- 7.21 In addition, all children and young people with ALN will have a right of appeal to the Education Tribunal for Wales (currently the Special Educational Needs Tribunal Wales). Option two, by extending the right of appeal to all learners, including those in post-16 provision, would introduce more equitable rights of appeal for children, their parents and young people.
- 7.22 The processes and practices introduced to support IDPs should facilitate the introduction of a more efficient and flexible approach to assessment and review. This would include, for example, requiring health and social services practitioners to be invited to participate in assessments and reviews only where their input would benefit the learner¹⁷. There is potential, therefore, for cost savings both in terms of professional time and in the time involved in organising and co-ordinating assessment and review meetings.
- 7.23 Learners and their families should also benefit as delays in planning and/or reviewing plans are reduced as it will be easier to organise meetings where fewer professionals are invited.
- 7.24 Having a single plan for all children and young people with ALN will remove the existing parental pressure to maintain the provision set out in a statement of SEN after the objectives of the plan have been achieved and the same level of provision is no longer warranted. This pressure stems from concern about loss of entitlement to a statutory plan if the provision is reduced. Removing the existing boundary between statutory provision for the most complex needs and non-statutory provision for learners with less complex needs will overcome this concern.

¹⁷ Currently when making an assessment a local authority must seek advice from the child's parent, the head teacher (or equivalent), the health authority, who must obtain the advice from a fully registered medical practitioner, an educational psychologist, social services authority and any other advice which the authority consider appropriate for the purpose of arriving at a satisfactory assessment (see the Education (Special Educational Needs) (Wales) Regulations 2002 (2002 No 152)).

- 7.25 Removing the distinction between statutory and non-statutory provision is expected to lead to a more flexible approach to planning which has potential to reduce cost and increase effectiveness as services could be better targeted to meet the needs of the learner.
- 7.26 Having a single plan to cover children and young people will facilitate greater consistency in ALN practices and processes, with all practitioners operating within a single regime, across early years, schools and further education.
- 7.27 In addition, a single plan has potential to improve planning around the transitions between distinct stages of education – early years, school and further education – since it is expected a single plan will promote continuity in planning. Under the current system there are a range of plans which reflect distinct education stages. A single plan should facilitate the delivery of uninterrupted provision.
- 7.28 Smooth transitions between distinct education stages should help prevent the consequences of poor transitions, whereby the benefits gained by learners during childhood are undermined when entering adulthood.

Risks

- 7.29 Increasing the number of children and young people who have statutory entitlement to provision could result in increased pressure for provision.
- 7.30 Under option two, the number of young people who will have a statutory plan will increase from 13,318 to 107,668¹⁸. There is potential for a proportion of the additional 94,350 children, young people and/or their parents to have increased expectations of a statutory plan compared to their previous non-statutory plan and to challenge decisions regarding provision.
- 7.31 This may result in additional disagreements regarding provision set out in school and FEI maintained IDPs. Where this occurs, there will be cost

¹⁸ Based on 2015/16 figures and on the assumption that all the young people who are currently identified as having special educational needs are subsequently identified as having additional learning needs.

implications¹⁹. This risk is, however, considered to be low due both to the introduction of person-centred planning(PCP)²⁰ and additional workforce development, as part of the professional learning offer, including training around identifying and differentiating teaching for children and young people with additional learning needs.

¹⁹ There are not expected to be any additional appeals to tribunal since the Bill puts in place provisions around disagreement resolution which focus on ensuring where disagreements occur about an IDP or the provision it contains, the matter is considered and resolved at the most local level possible.

²⁰ Section 6 of the Bill provides for the views, wishes and feelings of children and young people to form a core element of the new system and emphasises the importance of children and young people, and their parents participating as fully as possible in the decisions that are taken in relation to their ALN and the ALP that is provided for them.

Dispute resolution

- 7.32 Currently, local authorities are required to put in place arrangements for avoiding *or* resolving disputes in relation to decisions made about statements.
- 7.33 More generally, local authorities are required to make arrangements for avoiding or resolving disputes about special education provision between schools and children, their parents and young people.

Option one: do nothing

- 7.34 Under option one, the existing approach to dispute resolution would remain.

Advantages

- 7.35 There are no additional costs related to option one.

Disadvantages

- 7.36 The current arrangements may not be as efficient as they could be as local authorities are not currently required to focus on avoiding disputes. Thus, there is potential for disagreements which could have been avoided to become unnecessarily confrontational and time consuming.

Option two: extend the scope of current arrangements

- 7.37 Option two differs to option one in two ways. First, the scope of existing arrangements will be extended to include all young people with additional learning needs, including those in further education.
- 7.38 Second, local authorities will be required to put in place arrangements for avoiding *and* resolving disagreements. Currently, local authorities are required to put in arrangements for avoiding *or* resolving disputes.
- 7.39 Option two is the preferred option.

Advantages

- 7.40 Focussing on avoiding and resolving disagreements should increase the efficiency of dispute resolution and should reduce costs to local authority education services and to children, their parents and young people by reducing instances of disagreements escalating, including avoiding disputes escalating to tribunal.
- 7.41 Evidence from a local authority which has introduced the role of additional learning needs family support officer as a way to avoid disagreements has seen a significant fall in the number of appeals to tribunal.
- 7.42 The additional learning needs family support officer is responsible for providing advice and support with assessments, statements and annual reviews, including preparation for and support at meetings²¹.
- 7.43 Children and young people should also benefit through having a more efficient and less formal approach to resolving disagreements.

Risks

- 7.44 Having a clear requirement to have both avoidance and resolution arrangements potentially increases the costs of such arrangements. Where

²¹ http://fis.carmarthenshire.gov.uk/eng/aln_support_e.htm

this is not effectively implemented, there is a risk there will be an increase in costs without the expected savings resulting from avoiding expensive resolution or tribunal arrangements.

Responsibility for assessing need post-16 and securing specialist further education provision

- 7.45 Currently, responsibility for assessing provision for post-16 learners with learning difficulties and/or disabilities and for securing specialist post-16 education provision for learners with the most severe needs is the responsibility of the Welsh Ministers. Careers Wales undertake assessments on behalf of the Welsh Ministers and Welsh Government officials secure placements on behalf of the Welsh Ministers.
- 7.46 During the time a young person is making the transition from school to post-16 education, the following takes place:
- as part of the annual review and transition process, schools, FEIs and/or independent specialist colleges provide information about the learner to Careers Wales
 - Careers Wales use the information when assessing the special educational needs of the learner and when drawing up the learning and skills plan
 - where a young person has complex needs which requires the support of specialist post-16 provision, Career Wales makes an application to the Welsh Ministers to consider
 - the Welsh Ministers are responsible for securing and funding post-16 specialist provision.

Option one: do nothing

- 7.47 Under option one, existing responsibilities for assessing need and for securing specialist post-16 education would remain.

Advantages

- 7.48 There would be no additional costs associated with option one.

Disadvantages

- 7.49 Under the current arrangements, local authorities are responsible for assessing need and for securing specialist education provision for children and young people up to the age of 16 or 19 where the young person has a statement. Following this, responsibility is undertaken by Careers Wales and Welsh Government officials on behalf of Welsh Ministers.
- 7.50 There is a risk the knowledge a local authority has built up about the learner over their school career to be lost on transition. Unlike local authorities, Welsh Government officials and officials in Careers Wales have not developed relationships with the young person and, thus, have limited information on which to base decisions.
- 7.51 In addition, existing relationships end and new ones have to be developed. This can be frustrating for young people and their parents.

Option two: make local authorities responsible for planning and securing specialist further education provision for learners with ALN

- 7.52 Under option two, where learners have a local authority maintained IDP, responsibility for assessing need and securing post-16 specialist provision would be transferred to local authorities. The existing budget used by Welsh Ministers to plan and secure specialist post-16 provision would be transferred to local authorities when they take on these responsibilities. Thus, local authorities will not be subject to additional costs.
- 7.53 In addition, Welsh Ministers would be required to maintain, and publish, a list of independent specialist post-16 colleges.
- 7.54 Local authority education services would work directly with schools and post-16 providers to identify and secure the necessary provision to meet the learners' needs. Local authorities would not be able to place a young person in a college which is not on the list of independent specialist colleges maintained by Welsh Ministers.
- 7.55 Option two is the preferred option.

Advantages

- 7.56 Existing relationships would be maintained and the knowledge the local authority has built up about the young person will not be lost on transition to further education.
- 7.57 Transferring responsibility to local authorities would enable local authority education departments and local authority social services departments to collaborate when negotiating the development of, and cost of, provision. In this way, the local authority is better positioned than Welsh Government officials to encourage the development of local packages of support.
- 7.58 In addition, taking on a direct role would allow the local authority to work with local further education institutions in developing local provision for young

people with complex needs. This has potential to reduce out-of-county placements and to make associated savings. Young people and their families would benefit from the option of having local provision.

- 7.59 The Welsh Ministers' list of independent specialist colleges would provide assurance to local authorities and to young people regarding the standards and quality of teaching.

Risks

- 7.60 Currently, the assessment and funding processes are undertaken by separate bodies – Careers Wales and Welsh Government. Under option two, local authorities would be both the funder and the assessor. There is a risk the objectiveness of the assessment will be less certain than it currently is. That is, the cost could be more of a determining criterion than it currently is.
- 7.61 This risk is low, since local authorities can be held to account for decisions they make in terms of provision for young people with special educational needs.
- 7.62 In addition, the Welsh Government will clarify the criteria for specialist further education placements.
- 7.63 There is a risk the knowledge Careers Wales has built up about independent specialist colleges in terms of the support they can provide specific groups of young people with additional needs will be lost. This risk is expected to be low and can be mitigated by Careers Wales passing on information to local authorities.

Registration and approval of independent schools in respect of SEN

- 7.64 Currently, there are two separate legislative systems in operation for the registration and approval of independent schools in Wales in respect of SEN²².
- 7.65 Any establishment wishing to operate as a school in the independent sector must be registered with the Welsh Ministers. The independent school should also register if it intends to admit learners with SEN.
- 7.66 In addition, an independent school must be approved by the Welsh Ministers to generally admit children with a statement of SEN. Where independent schools are approved to generally admit children and young people with a statement of SEN they are monitored annually by Estyn.
- 7.67 Where an independent school has not been approved to admit children with a statement of SEN, it is possible for a local authority to seek the Welsh Ministers' consent to an individual placement of a child with a statement of SEN within the school. Where this is the case, Estyn does not carry out annual monitoring of these settings.
- 7.68 It is possible for parents to make their own arrangements to pay for a place for a child or young person at an independent school, which has not been approved by the Welsh Ministers, insofar as the authority maintaining the statement is satisfied the arrangements are suitable.

Option one: do nothing

- 7.69 Under option one the current arrangements for registering and approving independent schools who wish to admit children and young people with a statement of SEN will remain.

²² Section 160 of the Education 2002 requires schools to register in respect of SEN and section 347 of the Education Act 1996 requires schools to gain the approval of the Welsh Ministers to admit a child with a statement of SEN.

Advantages

- 7.70 There are no additional costs associated with option one.

Disadvantages

- 7.71 The Two separate legislative systems which, to a certain extent, replicate each other in respect to SEN will continue.
- 7.72 Under the existing arrangements independent schools who are approved by Welsh Ministers to generally admit children and young people with a statement of SEN, can admit any child or young person with a statement, regardless of the specific level of provision required.
- 7.73 In addition, it would continue to be possible for children and young people with SEN to have a placement at an independent school which is not monitored by Estyn. This would happen where a school did not have the approval of the Welsh Ministers to generally admit children and young people with a statement of SEN but the local authority had gained consent to an individual placement of a child with a statement of SEN within the school.

Option two: reform the system for the registration and approval of independent schools in respect of SEN

- 7.74 Option two would introduce a requirement for Welsh Ministers to maintain, and publish, a register of independent schools.
- 7.75 As part of the registration process, schools will be required to set out the types of additional need they are able to cater for. Prior to placing a child or young person at an independent school, the local authority must be satisfied the school can cater for the ALP required to meet the young person's additional learning needs, as set out in their IDP.
- 7.76 Option two is the preferred option.

Advantages

- 7.77 The publication of the independent schools' register, combined with the changes to the registration system, would clearly set out for local authority education services and parents of learners with ALN the additional learning provision an independent school can cater for.
- 7.78 Clearer information on what a school can cater for would reduce the risk of inappropriate placements for learners with ALN into an independent school.
- 7.79 Option two provides a level of assurance to the local authority and the parent, that the independent school can meet the needs of the learner, as identified within their IDP. In addition, all independent schools who have registered their ALP will be monitored annually by Estyn, providing assurance to all children, young people and their parents about the quality and standards of teaching and provision at the school.

Disadvantages

- 7.80 There are no disadvantages associated with option two.

Statutory basis of special educational needs support co-ordinators in education

- 7.81 The existing approach to co-ordinating support for children and young people with SEN in early years settings and in schools is through a special educational needs co-ordinator (SENCo). The SENCo has responsibility for coordinating SEN provision for children including training other staff, coordinating with a range of agencies, liaising with families, teaching and supporting children and young people, and maintaining records.
- 7.82 Research findings indicate effective co-ordination of SEN provision in a mainstream school is a key determinant of effective provision for children and young people with SEN²³.
- 7.83 While the SENCo is a recognised role, there is currently no requirement for early years settings, mainstream schools, pupil referral units or FEIs to have a designated member of staff who undertakes the role of a SENCo.
- 7.84 The Special Educational Needs Code of Practice for Wales has no mandatory basis and, thus, Welsh Ministers are currently unable to prescribe how the SENCo role should be undertaken. The code sets out the key responsibilities the role of a SENCo may include but provides little guidance about the time and support that should be given to the role. Consequently, there is no agreed definition of the role at either the local or national level and the role is undertaken in diverse ways.
- 7.85 FEIs do not have SENCos. Rather, young people with LLD in further education have access to the FEIs support services.

²³ <http://www.assembly.wales/laid%20documents/gen-ld7255%20-%20written%20response%20to%20the%20enterprise%20and%20learning%20committee,%20rapporteur%20group%20report%20on%20support%20for%20-08102008-100412/gen-ld7255-e-english.pdf>

Option one: do nothing

- 7.86 Under option one the current approach to co-ordinating provision for children and young people with SEN and LDD would continue. That is, there would be no statutory requirement for schools, or other education settings, to appoint a SENCo and no requirement for FEIs to establish support services.

Advantages

- 7.87 There are no additional costs associated with option one.

Disadvantages

- 7.88 Currently, there is no requirement for education settings to have SEN co-ordinators. Although schools do have them, there is no consistent approach across Wales in terms of who should be a SENCo, what qualifications the SENCo should have and how the role should be undertaken. Whilst SENCos are generally qualified teachers, it is also possible for SENCos not to be qualified teachers. The SENCo could, for example, be a higher level teaching assistant or a member of the non-teaching staff.
- 7.89 To undertake the role effectively, SENCos need specific training in assessing and teaching young people with SEN. There is, however, currently a lack of specific training and a corresponding lack of skilled SENCos.
- 7.90 There are currently issues regarding the extent to which teachers are trained to assess and teach young people with SEN (see for example Rose, 2010). A recent study commissioned the Welsh Government, (Holtom et al, 2010)²⁴ concluded education staff were generally confident in their skills and knowledge in relation to SEN. The evidence from the study suggests, with the important exceptions of assessment and differentiation²⁵, this confidence is reasonably well-founded.

²⁴ <http://dera.ioe.ac.uk/22888/1/150330-sen-en.pdf>

²⁵ Differentiation refers to an educational approach that requires teachers to tailor their learning, teaching and assessment whilst adjusting the curriculum to the needs of children, including those with SEN, rather than expecting pupils to fit the existing curriculum (Cole, R, (2008), Educating

- 7.91 Lack of training for SENCos and teachers can result in some schools having limited capacity to deal with SEN and prevent unnecessary recourse to local authority assessment (see for example Rose, 2010).
- 7.92 In addition, parents have expressed concerns about inconsistencies in the effectiveness and quality of service from the SENCos at their children's school²⁶.

Everybody's Children: diverse strategies for diverse learners, Association for Supervision and Curriculum Development, Google Books, <http://books.google.co.uk/books?id=ixmW-porsOAC>; Rogers, C. (2007), Experiencing an Inclusive Education: parents and their children with special educational needs, British Journal of Sociology of Education, 28, 1, pg 55-68.

²⁶ Welsh Government (2008) Statements or something better: summary of progress to date and the next steps. Available at: <http://gov.wales/dcells/publications/publications/guidanceandinformation/ellsomiteerecommendations/summaryprogressenglish?lang=en>

Option two: introduce a statutory ALN support co-ordinator role

- 7.93 Under option two, a statutory role of ALN coordinator (ALNCo) would be introduced. All education settings, other than special schools, would be required to appoint an ALNCo.
- 7.94 It is expected within schools and maintained early years settings²⁷, the ALNCo will be a qualified teacher and within FEIs the ALNCo will be a teaching practitioner.
- 7.95 In addition, all ALNCoS will have to have undertaken a masters level programme of training.
- 7.96 Option two is the preferred option.

Advantages

- 7.97 The requirement to appoint an ALNCo will extend current practice. Under option two, all education settings including pupil referral units and FEIs will be required to appoint an ALNCo.
- 7.98 Making the ALNCo a statutory role would have the benefit of ensuring the role is clearly defined within the code, which would lead to a consistent approach to the coordination role across Wales.
- 7.99 A specific masters level qualification will provide the training necessary for the ALNCo to effectively fulfil the responsibilities of the role, including training and supporting other staff.
- 7.100 The statutory role of the ALNCo, together with other policy initiatives, including workforce development through the professional learning offer, should raise capacity within schools to deal with ALN and prevent unnecessary recourse to local authority assessment.

²⁷ Independent early years settings will not be required to have an ALNCo but will be required to refer young people with ALN to the local authority.

Disadvantages

- 7.101 There are no disadvantages associated with option two.

Risks

- 7.102 There is a risk the new ALNCo requirements may be perceived as creating too much of a burden, which may put people off remaining, or becoming, an ALNCo.
- 7.103 This risk is, however, considered to be small due to the work the Welsh Government will undertake to avoid the role becoming too burdensome. This will include, for example, working with local authorities and teachers to develop the ALNCo role; consulting on the detail of the role as set out in regulation; and providing teacher training and support linked to the professional learning offer.

Statutory basis of strategic co-ordinators in health

- 7.104 There is currently no requirement for health boards to appoint a lead role or single point of contact with strategic responsibility for health related provision for children and young people with SEN.

Option one: do nothing

- 7.105 Under option one, the existing approach to provision would continue. That is, health boards would continue to adopt diverse approaches to the strategic development, co-ordination and oversight of provision for children and young people with SEN and there would be no standard mechanism to quality assure performance or drive service improvement.

Advantages

- 7.106 There are no additional costs associated with option one.

Disadvantages

- 7.107 Although health boards currently secure SEN provision, which is overseen and coordinated to some degree, there is no formalised leadership role. It is not, therefore, consistently or strategically overseen across the Welsh NHS, nor is it necessarily prioritised at a central, strategic level. There is no single, identifiable role and thus, no common job title or set of responsibilities.

Option two: introduce a statutory role of designated medical or clinical officer

- 7.108 Option two would introduce a statutory role of designated educational clinical lead officer (DECLO). Health boards would be required to appoint a DECLO
- 7.109 It is expected the DECLO role will be undertaken by an individual reporting to the board. The role will facilitate the development of an efficient and effective delivery framework for ALN support, the promotion of local problem solving, escalation of issues to the board and facilitate monitoring compliance of the board's statutory duties. The DECLO will have strategic responsibility for establishing efficient systems to ensure the health professionals involved in ALN assessment (including speech and language therapy, occupational therapy, physiotherapy, child and adolescent mental health services (CAMHS), community paediatrics and learning disability services, primary care teams including GPs, health visitors and school nurses) are skilled to undertake appropriate, timely assessments, make evidence based recommendations on effective interventions, monitor outcomes, quality assure advice and benchmark across health boards to reduce any variation in practice or expectations.
- 7.110 The DECLO will be responsible for ensuring day-to-day health provision for ALN is effectively managed and co-ordinated. The operational aspects of this function should, however, be delegated to a health professional, who is in contact with the child or young person. The health professional would act as a 'health co-ordinator' at a local level and would be the key point of contact for children and young people, parents, schools and local authorities.
- 7.111 The DECLO will be a registered health professional with clinical qualifications and senior experience in an aspect of healthcare relevant to ALN, including but not confined to medical (primary or secondary care), nursing, midwifery, allied health or public health.

- 7.112 It is expected the time allocated to the role will be one day per week per 200,000 population or per 40,000 children and young people. This equates to three full time positions, spread across the seven health boards. On average, each of the seven health boards in Wales would have a healthcare professional undertaking DECLO responsibilities for approximately two days per week.
- 7.113 Option two is the preferred option.

Advantages

- 7.114 Appointing a DECLO within health boards would have the benefit of facilitating the delivery of effective, co-ordinated health services to improve outcomes for children and young people with ALN, health boards to discharge their ALN responsibilities and facilitate the effective collaboration between health boards and their partners in the delivery of services for learners with ALN. The DECLO would also ensure there is a robust structure for assuring the quality and safety of services and collect data about service quality, outcomes and performance; simplify the system for children, young people, parents and partners by providing a single point of contact for local authorities and others within health boards on ALN matters. In addition, the appointment of the DECLO should ensure ALN provision is a strategic priority for health boards.
- 7.115 The DECLO is expected to have benefits to the learner by overseeing the embedding and integration of effective health provision in relation to ALN and by ensuring the delivery of appropriate health services. It is expected the introduction of the DECLO will result in cost savings for health boards since there will be a co-ordinated approach to ALP which has potential to reduce duplication.

Risks

- 7.116 Although the responsibilities of the DECLO are currently being undertaken in a dispersed way by health boards, and so are an existing resource which

would benefit from better focus and organisation, there is a risk the introduction of a formal role of DECLO could have additional cost implications. Since current practices are diverse across health boards, it has not been possible to estimate what, if any, these additional costs could be. This cost is, therefore, not known.

- 7.117 The vast majority of learners with ALN who require ALP delivered by NHS Wales are already receiving the support they need. It is possible, however, that by placing ALN on the strategic agenda of health boards and improving the way NHS manage ALN functions and responsibilities, the introduction of DECLOs could result in the identification of a greater need for ALP. It is not possible to quantify any potential increase in need but taking an early adopter approach to the roll out of the DECLO role should help ensure any new need is effectively planned for and managed. This cost is, therefore, not known.
- 7.118 The additional population of 18-24 year olds that now fall within the remit of the ALN system represent a new potential client group who previously may have not received any NHS contribution to learning support. This is as yet unquantified, but is not envisaged to include many learners who have not been identified prior to age 16.

Statutory basis of early years co-ordinators in local authorities

- 7.119 There is currently no requirement for local authorities to appoint a lead role or single point of contact with strategic responsibility for co-ordinating additional learning provision for children under compulsory school age.

Option one: do nothing

- 7.120 Under option one, the existing approach to provision would continue. That is, local authorities would continue to adopt diverse approaches to co-ordinating additional learning provision for children under compulsory school age.

Advantages

- 7.121 There are no additional costs associated with option one.

Disadvantages

- 7.122 Although local authorities currently coordinate additional learning provision for young people under compulsory school age, there is no consistent model or formalised leadership role. There is no single, identifiable role and thus, no common job title or set of responsibilities. In addition, there is also often no single point of contact within local authorities for additional learning provision for children under compulsory school age. Lack of coordination for statutory SEN duties risks negligence claims or reputational damage.

Option two: introduce a statutory role of designated early years additional learning needs lead officer

- 7.123 Option two would introduce a statutory role of early years additional learning needs lead officer. Each local authority would be required to designate an individual (similar to an ALNCo in schools and FEIs) with responsibility for coordinating local authority functions under the Bill in relation to children under compulsory school age who do not attend a maintained pre-school setting.
- 7.124 In addition to coordinating additional learning provision, the early years ALN lead officer role will include:
- Early identification of lower level ALN
 - Prevention of the development of ALN. That is, identifying young children with developmental delay, which could escalate to ALN if they don't receive appropriate early intervention.
 - Ensuring the early years workforce has the appropriate skills, mechanisms and tools for preventing the development of ALN and supporting young children with ALN.
- 7.125 Option two is the preferred option.

Advantages

- 7.126 The requirement to appoint an early years ALN lead officer will extend current practice. Under option two, all local authorities will be required to appoint an early years ALN lead officer.
- 7.127 Making the early years ALN lead officer a statutory role and ensuring the role is clearly defined within regulations and the code, will lead to a consistent approach to the coordination role across Wales.
- 7.128 Specific early years ALN lead officer training will enable the early years ALN lead officer to effectively fulfil the responsibilities of the role.

- 7.129 A qualified early years ALN lead officer will also contribute to the early identification and intervention which will support positive outcomes for children, including the preventing developmental delay becoming an additional learning need.

Disadvantages

- 7.130 There are no disadvantages associated with option two.

Additional learning provision through the medium of Welsh

- 7.131 Under the new system, where an IDP provides for a particular kind of additional learning provision to be delivered in Welsh, local authorities, governing bodies and NHS bodies are required to take all reasonable steps to secure the provision in Welsh.
- 7.132 In addition, local authorities will be required to keep under review the arrangements made by the authority and by the governing bodies of maintained schools in its area for children and young people with additional learning needs. This includes consideration of the extent to which the provision is sufficient to meet the additional learning needs of children and young people through the medium of Welsh.
- 7.133 Whilst the extent to which additional learning provision through the medium of Welsh meets demand at the local authority level will be known by local authorities, there is currently no arrangements in place to review the demand for, and supply of, additional learning provision delivered through the medium of Welsh at the national level. Thus, the extent to which demand for additional learning provision delivered through the medium of Welsh is met across Wales is unknown.

Option one: do nothing

- 7.134 Under option one, the existing approach would continue. That is, there will be no requirement to review the demand for, or supply of, additional learning provision delivered through the medium of Welsh at the national level.

Advantages

- 7.135 There are no additional costs associated with option one.

Disadvantages

- 7.136 The extent to which demand for additional learning provision delivered through the medium of Welsh is met across Wales will not be routinely

assessed and, thus, will not be known. This restricts the ability to make informed policy decisions about additional learning provision through the medium of Welsh.

Option two: introduce a requirement for Welsh Ministers to review additional learning provision delivered through the medium of Welsh

- 7.137 Under option two, Welsh Ministers would be required to review the demand for, and supply of, additional learning provision delivered through the medium of Welsh. The requirement is that such a review is undertaken once every 5 years.
- 7.138 Option two is the preferred option.

Advantages

- 7.139 Introducing a requirement for Welsh Ministers to review the extent to which demand for additional learning provision delivered through the medium of Welsh will facilitate the ability to make informed policy decisions about additional learning provision through the medium of Welsh.

Disadvantages

- 7.140 There are no disadvantages associated with option two.

Determination powers in relation to disagreements about maintaining plans

- 7.141 Currently, local authority responsibility for developing and maintaining statements for young people ends when the young person leaves school.
- 7.142 Where a young person with additional learning needs goes on to further education, the FEI will develop a college-based plan for the young person.
- 7.143 Under the new system, IDPs will follow the young person from school to further education. Responsibility for school maintained IDPs will transfer from the school to the FEI when the young person starts further education. There are currently 8,905 young people with a learning difficulty and/or disability who attend FEIs. It is likely these young people have an IEP rather than a statement and are, therefore, likely to have a college maintained plan under the new system.
- 7.144 Local authorities will, however, maintain responsibility for some IDPs. This will include maintaining IDPs for the 298 young people who attend independent specialist colleges and a proportion of the IDPs for the 120 young people with PMLD who attend FEIs. It is not possible to be specific about the number of young people with PMLD who will have a local authority maintained IDP. This is because the number of young people with PMLD who attend FEIs and had a statement whilst at school is not known. It is possible that between 0 and 120 young people had a statement and, thus, may have a local authority maintained IDP whilst in further education. For the purposes of the RIA, the midrange of 60 local authority maintained IDPs is assumed.
- 7.145 Under the new system, it is possible for local authorities to request an FEI takes over the responsibility for maintaining a plan. This would happen in circumstances where the local authority considers the needs of the young person can reasonably be met by the FEI. The FEI does not, however, have to accept a local authority request to take over the responsibility of maintaining a local authority maintained IDP. Since local authorities can not discharge their responsibility for maintaining an IDP until the FEI accepts

responsibility for maintaining it, there is potential for local authorities to continue to maintain IDPs despite this not being appropriate.

Option one: do nothing

- 7.146 Under option one where an FEI refuses to accept responsibility for maintaining an IDP for a student enrolled at the FEI, which the local authority believes it would be appropriate for the FEI to maintain, the local authority would continue to be responsible for maintaining the IDP.

Advantages

- 7.147 There are no advantages associated with option one.

Disadvantages

- 7.148 Under option one there is a risk local authorities may maintain IDPs which it is inappropriate for them to maintain. This would place an unnecessary burden and cost on local authorities and undermine the effectiveness of the system with responsibility for the maintenance of plans at an appropriate level, whether that be school, FEI or local authority.

Option two: introduce a power for Welsh Ministers to determine who is responsible for maintaining an IDP

- 7.149 Option two would introduce a power for the Welsh Ministers to determine who is responsible for maintaining an IDP. This power would be used in instances where a local authority and FEI can not agree about who is responsible for maintaining an IDP.
- 7.150 Where an FEI refuses a request from a local authority to accept responsibility for maintaining an IDP, the local authority would be able to refer the matter to the Welsh Ministers for determination.
- 7.151 Option two is the preferred option

Advantages

- 7.152 Option two provides a solution to resolving disagreements about who should be responsible for maintaining an IDP. There is, therefore, potential to reduce any unnecessary burden placed on local authorities in respect of maintaining IDPs.

Disadvantages

- 7.153 There are no disadvantages associated with option two.

8. Costs and benefits

Introduction

- 8.1 This chapter sets out the costs and benefits associated with the options outlined in chapter six. The costs and benefits have been informed by key stakeholders²⁸, work undertaken by Holtom et al (2012)²⁹ and Deloitte (2015)³⁰, and analysis undertaken by Welsh Government officials.
- 8.2 In 2012, the Welsh Government published interim research (Holtom et al, 2012) into the costs and benefits of the statutory reform of special educational needs. The research considered the cost of initiatives undertaken during the piloting phase of the reforms. Where possible, costs have been drawn from this work to inform the costs and benefits of the proposals set out in the Bill.
- 8.3 In 2014, the Welsh Government commissioned Deloitte to undertake a review to investigate the costs associated with supporting learners with SEN or LDD under the current legislative framework in Wales. This included total costs and individual costs associated with:
- assessing need;
 - providing support;
 - undertaking reviews; and
 - disputes and appeals.
- 8.4 Deloitte analysed publicly available data and collected data from key stakeholders such as local authorities, FEIs, schools and Careers Wales (see Table 1 below).

²⁸ Including stakeholders from SENTW, Estyn, Careers Wales, WLGA and SNAP Cymru.

²⁹ Holtom et al (2012) Programme of Action Research to Inform the Evaluation of the Additional Learning Needs Pilot: interim report on the costs of the statutory reform of special educational needs provision.

³⁰ Deloitte (2015) An Examination of the Provision of Funding for Learners with Special Educational Needs or Learning Difficulties and/or Disabilities (Welsh Government: Cardiff).
<http://gov.wales/docs/dcells/publications/150706-final-report-en.pdf>

- 8.5 The financial data collected by Deloitte refers to 2011-12 to 2013-14. These figures are used throughout this regulatory impact assessment, where it is the most up-to-date information available. The 2013-14 prices have also been set out in present day (2016-17) prices using the GDP deflator series. In addition, for comparative purposes, all costs have been set out in 2016-17 prices.

Table 1: data sources

Body	Data source
Health boards	NHS programme budget expenditure ³¹
Local authority education	RO expenditure ³² Survey data collected by Deloitte
Local authority social services	RO expenditure ³³
Further education institutions (FEIs)	Total FEI funding allocations Total mainstream and discrete funding allocations Survey data collected by Deloitte
Schools	Section 52 outturn statement ³⁴ Pupil level annual school census (PLASC) ³⁵ Survey data collected by Deloitte
Careers Wales	Survey data collected by Deloitte
Special Educational Needs Tribunal Wales (SENTW)	SENTW annual reports ³⁶

- 8.6 In addition to above sources, data from the Welsh Government lifelong learning Wales record (LLWR) was used³⁷.
- 8.7 It was not possible, however, for Deloitte to collect all the data required to assess the costs and benefits of the proposals set out in the Bill. This was in large part because there is no requirement for schools, colleges or health boards in Wales to report on the amounts spent on SEN and/or LDD.

³¹ <http://wales.gov.uk/statistics-and-research/nhs-expenditure-programme-budgets/?lang=en>

³² <https://statswales.wales.gov.uk/Catalogue/Local-Government/Finance/Revenue/Outturn>

³³ <https://statswales.wales.gov.uk/Catalogue/Local-Government/Finance/Revenue/Outturn>

³⁴ <https://statswales.wales.gov.uk/Catalogue/Local-Government/Finance/Revenue/Delegated-School-Outturn>

³⁵ <http://gov.wales/statistics-and-research/schools-census/?lang=en>

³⁶ <http://sentw.gov.uk/about/areports/?lang=en>

³⁷ Statistics on learners in post-16 education and training, excluding those at schools but including those at Further Education Institutions, other Work-based Learning providers and Community Learning provision collected via the Welsh Government's Lifelong Learning Wales Record (LLWR).
<https://statswales.wales.gov.uk/Catalogue/Education-and-Skills/Post-16-Education-and-Training/Further-Education-and-Work-Based-Learning/Lifelong-Learning-Wales-Record>

- 8.8 In addition, although local authorities currently report on SEN spending through the revenue outturn (RO) reports to the Welsh Government (of which SEN spending is a subset), this is not disaggregated by assessment, review, provision, disputes or reviews.
- 8.9 Where actual figures have not been available or where estimates have not previously been made, officials have estimated costs and benefits.
- 8.10 The costs set out within this RIA should, therefore, be considered as the best estimates based on the findings reported by Holtom et al (2012), Deloitte, estimates made by officials and the available evidence. For a number of the elements, assumptions have had to be made in order to produce the estimates. Generally, where this is the case, the costs have been rounded to the nearest £100 to reduce the risk of spurious accuracy.
- 8.11 In some instances, it has not been appropriate to round the estimated cost to the nearest £100. This includes, for example, where the estimated cost is less than £50 and rounding to the nearest £100 would remove the cost. As a consequence, the total costs of options one and two, as set out in Table 70 and Table 71, are not rounded to the nearest £100.
- 8.12 Table 2 shows, in 2015-16, there were 477,549 children and young people in Wales in maintained schools³⁸, independent schools or otherwise educated by the local authority (EOTAS). Of these, 94,350 (20%) had SEN, support for which was being delivered through a non-statutory plan (early years action, school action, early years action plus or school action plus); and 13,318 (3%) had SEN, support for which was being delivered through a statutory plan (statement of SEN). In total, in 2015-16 there were 107,668 children and young people in education settings in Wales with a SEN.

³⁸ Including maintained nursery schools.

Table 2: Number of children and young people with SEN in education settings in Wales

	2011-12	2012-13	2013-14	2015-16
Maintained				
Total number of pupils in a maintained setting ³⁹	465,943	464,868	465,081	466,555
Early Years (EY)/School Action (SA) and EY/SA Plus	89,940	91,053	92,773	92,709
With statement	13,098	12,738	12,530	12,434
Maintained SEN total	103,038	103,791	105,303	105,143
Independent				
Total number of pupils in an independent setting ⁴⁰	8,929	8,862	8,603	8,880
School Action (SA) and SA Plus ⁴¹	1,009	1,043	1,092	813
With statement ⁴²	343	386	388	412
Independent SEN total	1,352	1,429	1,480	1,225
Education other than at school (EOTAS)⁴³				
Total number of EOTAS pupils	2,577	2,577	2,367	2,114
School Action (SA) & SA Plus	557	589	635	828
With statement	365	443	424	472
EOTAS SEN Total	922	1,032	1,059	1,300
Total number of pupils	477,449	476,307	476,051	477,549
Total SA and SA Plus	91,506	92,685	94,500	94,350
Total with statement	13,806	13,567	13,342	13,318
Total SEN Provision	105,312	106,252	107,842	107,668

Source: StatsWales⁴⁴

³⁹ <https://statswales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Schools-Census/Pupil-Level-Annual-School-Census/Pupils/pupils-by-localauthorityregion-agegroup>

⁴⁰ <https://statswales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Schools-Census/Independent-Schools/Pupils/number-by-localauthorityregion-agegroup>

⁴¹ <https://statswales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Schools-Census/Independent-Schools/Special-Educational-Needs/senbutnostatement-by-year>

⁴² <https://statswales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Schools-Census/Independent-Schools/Special-Educational-Needs/senstatement-by-year>

⁴³ <http://gov.wales/statistics-and-research/pupils-educated-other-than-school/?lang=en>

⁴⁴ <https://statswales.wales.gov.uk/Catalogue/Education-and-Skills/Schools-and-Teachers/Schools-Census/Pupil-Level-Annual-School-Census/Special-Educational-Needs/pupilssen-by-localauthorityregion-provision>

- 8.13 The number of children and young people recorded as having SEN from 2011-12 to 2015-16 has been relatively stable at 23% of pupil population. During this period, the number of children and young people in Wales with a statement of SEN also remained relatively stable at around 3% of the pupil population.
- 8.14 Table 3 below shows in 2014-15, there were 73,195 children and young people aged up to 25 enrolled in mainstream FEIs. Of these, 9,025 (12%) identified themselves as having an LDD⁴⁵, of which 120 (0.2%) identified themselves as having profound and multiple learning difficulties⁴⁶. In addition, there were 298 young people in independent specialist colleges who received specialist provision to meet their LDD needs. That is, there were a total of 9,323 young people in further education in Wales during 2014-15 who identified themselves, or were identified as having LDD. Since young people in further education do not have to declare LDD, it is possible the actual number of young people in further education with LDD was higher.

Table 3: Number of young people aged up to 25 in further education provision who have a learning disability and/or a physical disability

	2012-13	2013-14	2014-15
Total Mainstream FE enrolled	81,460	78,920	73,195
Mainstream FE LDD (includes physical disability)	7,695	8,220	9,025
Independent Specialist College	250	278	298
Total Learners with LDD	7,945	8,498	9,323

Source: Stats Wales⁴⁷

⁴⁵ Including profound and multiple learning difficulties.

⁴⁶ In 2014-15 there were a total of 9,025 young people in FEI under 25 who had a learning difficulty and/or disability including those young people with PMLD. The breakdown by age group for young people with LDD excluding PMLD is: under 16 - 270, 16 - 2,300, 17 - 2,055, 18 - 1,295, 19 - 945 and 20-24 - 2,040. The breakdown by age group for young people with PMLD is: under 16 - 0, 16 - 30, 17 - 20, 18 - 15, 19 - 20 and 20-24 - 35. That is there were 8,905 young people with LDD and 120 with PMLD - a total of 9,025.

See <https://statswales.gov.wales/Catalogue/Education-and-Skills/Post-16-Education-and-Training/Further-Education-and-Work-Based-Learning/Learners/Further-Education/uniquelearnersenrolledfurthereducationinstitutions-by-primarydisability-gender>

⁴⁷ Unique learners enrolled at further education institutions by primary disability and/or learning difficulty and gender

- 8.15 As Table 4 shows, the estimated total cost of delivering SEN/LDD provision in Wales in 2016-17 prices is £365.4m. The majority of the costs - £324.6m (89%) - fell on local authority education services and on schools.

Table 4: estimated cost by sector of delivering the current SEN/LDD system in Wales, 2011-12 to 2013-14

Sector	2011-12 (£m)	2012-13 (£m)	2013-14 (£m)	Total 2011/12 - 2013/14	2016-17 ⁴⁸ (£m)
Welsh Government ⁴⁹	8.9	9.7	10.4	29.00	10.7
Local authority Education Services	167.5	155.7	138.4	461.6	142.8
Local authority Social Services	5.6	5.8	6.1	17.5	6.3
Schools	157.1	178.3	176.2	511.6	181.8
FEIs	7.3	7.4	7.5	22.2	7.7
Health boards	13.7	14.1	14.7	42.5	15.2
Careers Wales	0.8	0.7	0.7	2.2	0.7
SENTW ⁵⁰	0.1	0.2	0.1	0.4	0.2
Total	361.0	371.9	354.1	1087.0	365.4

Source: Deloitte (2015)

<https://statswales.wales.gov.uk/Catalogue/Education-and-Skills/Post-16-Education-and-Training/Further-Education-and-Work-Based-Learning/Learners/Further-Education/uniquelearnersenrolledfurthereducationinstitutions-by-primarydisability-gender>

⁴⁸ 2013-14 prices uprated to 2016-17 prices.

⁴⁹ Cost of administering and funding post-16 specialist placements.

⁵⁰ The costs to SENTW set out in this section refer to cost incurred from hearing related costs including the president, members add hearing venue costs. In addition, reimbursement of expenses and training for members are included. The costs do not include administrative costs.

Executive summary

- 8.16 The executive summary provides an overview of the cost of doing nothing and the cost of implementing the preferred options. The preferred option in each case is option two. Further detail can be found in the summary of cost and benefits.
- 8.17 Overall, the regulatory impact assessment suggests there could be a total additional cost of £7,154,860 over the four year period 2017-18 to 2020-21 (see Table 70), when all cost to public administration are taken into account. This is an average cost of approximately £1,788,715 per year.
- 8.18 There is potential for the provisions within the Bill to realise an ongoing cost saving to public administration of £4,500,300 over the four-year period 2017-18 to 2020-21 (see Table 70). The estimated savings in ongoing costs each year from 2017-18 is £1,125,075. The majority of the estimated savings are expected to be achieved from provisions in the Bill which aim to remove the current adversarial nature of the statement process. As set out below, there are risks associated with the extent to which the potential savings will be realised.
- 8.19 In addition to the costs and benefits incurred by public administration, it is expected independent schools, parents and dispute resolution service providers will incur costs and benefits. As set out in Table 72, independent schools are estimated to incur additional costs of £17,300 over the four year period (£4,325 per year); parents are estimated to benefit from savings of approximately £3,329,500 (£832,375 a year); and dispute resolution services providers are estimated to benefit from savings of £293,840 over the four year period (£73,460 a year). This saving is made up of both financial savings and opportunity savings, whereby savings will be made in volunteer time spent on resolving disagreements which in turn allows volunteers undertake other activities.

- 8.20 The discussion below considers in more detail the costs and benefits of implementing the preferred options. The Bill does not contain any provision charging expenditure on the Welsh Consolidated Fund.

Welsh Government transition costs

- 8.21 As Table 5 below sets out, the Welsh Government expects to incur transition costs estimated at approximately £1,972,510 between 2017-18 and 2020-21 to support the implementation of changes proposed in the Bill. In addition to the costs set out below, the Welsh Government has made a number of grants available to support stakeholders to implement the bill.

Table 5: Welsh Government transition costs

	2017-18	2018-19	2019-20	2020-21	Total
ALN Strategic Implementation Group (SIG) Expert Groups	5,000	5,000			10,000
Development of core skills, awareness raising and resources	100,000	50,000	135,000	105,000	390,000
Compliance and impact monitoring	80,000	130,000			210,000
Implementation project management	217,600	217,600	123,000		558,200
Code of practice development	76,220				76,220
Policy and guidance revision	18,000				18,000
Careers Wales		354,700	354,700		709,400
Post-16 specialist placements	320				320
Registration of independent schools	370				370
Totals	497,510	757,300	612,700	105,000	1,972,510

- 8.22 The Welsh Government is funding a number of activities to support the implementation of the Bill. This includes allocating funding of £10,000 to support the ongoing work of the ALN-SIG and expert groups in preparing for

implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill between 2017-18 and 2020-21.

- 8.23 £210,000 is expected to be spent between 2017-18 and 2020-21 on work to monitor compliance with the new legislative requirements and to assess the extent to which the legislative changes are embedded and making an impact on outcomes for learners.
- 8.24 Between 2017-18 and 2020-21, it is estimated the Welsh Government will spend approximately £390,000 on developing training resources, cores skills development and awareness-raising activities to support the implementation of the Bill. Awareness-raising activities will also focus on engaging stakeholders about their new legislative duties, and explaining and promoting the system and the rights it confers to children, young people and parents.
- 8.25 The Welsh Government will incur some costs associated with managing the above programmes of work to support implementation. This will include managing awareness-raising, grant administration and managing the monitoring and evaluation of the Bill. This is estimated to cost £558,200 between 2017-18 and 2020-21.
- 8.26 In addition, the Welsh Government will incur transition costs associated with developing a new Additional Learning Needs code to support the implementation of the new legislative framework. The cost to produce the code will be approximately £46,220. This is based on one full-time higher executive officer for a year and a head of branch for two weeks. The code would also require consultation, translation and promotion at an approximate cost of £30,000. The total cost of producing the code would, therefore, be approximately £76,220.
- 8.27 The Welsh Government will incur transition costs associated with updating guidance and policy materials, estimated to cost £18,000.

- 8.28 The Welsh Government will continue to fund Careers Wales during the two year period 2018-19 to 2019-20. Thus, there is a transition cost to the Welsh Government of approximately £709,400.
- 8.29 Transitions costs of £320 will be incurred as a result of implementing changes to post-16 specialist placements and £370 will be incurred as a result of implementing changes to the registration of independent schools.

Plans to support children and young people with additional learning needs

- 8.30 As set out above, the financial data collected by Deloitte refers to 2011-12 to 2013-14. These figures have been used within this section on plans to support young people with additional learning needs, where it is the most up-to-date information available. The 2013-14 prices have also been set out in present day (2016-17) prices using the GDP deflator series. In addition, for comparative purposes, all costs have been set out in 2016-17 prices.

Option one: do nothing

- 8.31 Under option one, current practice would remain in respect of education plans to support children and young people with additional learning needs.
- 8.32 Depending on the statutory basis of their additional learning provision and the stage the child or young person is in their education, a child or young person will have one of the following plans: a statutory statement of special educational needs, a non-statutory individual education plan, a statutory learning and skills plan or a non-statutory college based plan.
- 8.33 There are no additional ongoing costs to option one.

Summary of costs

- 8.34 Table 6 below sets out the cost of the current processes and practices associated with plans to support young people with additional learning needs. The total ongoing cost to public administration in 2016-17 is estimated to be £28,536,850. Table 7 sets out the total ongoing cost to parents in 2016-17 being an estimated £3,678,600 and the ongoing cost to dispute resolution service providers is estimated to be £320,510. In total, therefore, option one is estimated to have ongoing costs of £32,526,460 in 2016-17.

Table 6: do nothing summary of ongoing costs to public administration by organisation, 2016-17 prices

	2016-17 (£)	Total (£)
Local authority education services		
Statutory assessments	7,980,700	
Statutory reviews	4,023,600	
Local authority disagreement resolution services – disagreements	384,950	
Responding to disagreements	1,633,100	
Local authority disagreement resolution services – appeals	5,300	
Responding to appeals	1,083,300	
Total	15,110,950	
Local authority social services		
Statutory assessments	307,800	
Statutory reviews	182,100	
Total	489,900	15,600,850
Mainstream schools		
Statutory assessments	1,410,100	
Statutory reviews	1,547,000	
Non-statutory assessments	2,959,300	
Non-statutory reviews	2,158,300	
Total	8,074,700	
Special schools		
Statutory assessments	0	
Statutory reviews	938,700	
Total	938,700	9,013,400
Local health boards		
Statutory assessments	1,829,100	
Statutory reviews	1,082,600	
Total	2,911,700	
Careers Wales		
Assessments – learning and skills plans	354,700	
Reviews	274,800	
Total	629,500	
SENTW	152,000	
Total	152,000	
Further education institutions		
Reviews	228,600	
Disagreements	800	
Appeals – PMLD	0	
Appeals – LDD	0	
Total	229,400	
Total	28,536,850	

Table 7: do nothing summary of ongoing costs to parents and to disagreement resolution service providers, 2016-17 prices

		2016-17 (£)
Parents		
	Appeals	817,550
	Disagreements	2,861,050
Total cost to parents		3,678,600
Service providers		
	Dispute resolution services - disagreements – subsidy	288,710
	Dispute resolution services – appeals - subsidy	31,800
Total cost to service providers		320,510

8.35 The cost of the current system comprises of costs associated with:

- statutory assessments and reviews
- non-statutory assessments and reviews
- disagreements and appeals related to statements.

8.36 Table 8 shows the estimated cost of undertaking statutory assessments and reviews was approximately £19,931,200 in 2016-17 prices. Of this, approximately £11,882,400 was spent on assessment and £8,048,800 was spent on review.

Table 8: summary of total cost of undertaking statutory assessment and review 2016-17 prices, by organisation

	Statutory assessment (£)	Statutory review (£)	Total (£)
Local authority education services	7,980,700	4,023,600	12,004,300
Local authority social services	307,800	182,100	489,900
Mainstream schools	1,410,100	1,547,000	2,957,100
Special schools ⁵¹	0	938,700	938,700
Local health boards	1,829,100	1,082,600	2,911,700
Careers Wales	354,700	274,800	629,500
Total	11,882,400	8,048,800	19,931,200

Table 9: summary of total cost of undertaking non-statutory assessment and review, 2016-17 prices

	Non-statutory assessment (£)	Non-statutory review (£)	Total (£)
Mainstream schools	2,959,300	2,158,300	5,117,600

8.37 Table 9 above sets out the estimated costs of undertaking non-statutory assessments and reviews⁵². The estimated total cost of undertaking non-statutory assessments was approximately £5,117,600 in 2016-17 prices, of which approximately £2,959,300 was spent on non-statutory assessments and approximately £2,158,300 was spent on non-statutory reviews.

8.38 In addition to the costs of undertaking statutory assessments and reviews, local authorities, SENTW and parents incur costs relating to disagreements with, and appeals against, decisions made in relation to statutory assessments and reviews.

⁵¹ Deloitte (2015) state, 'There is no estimated investment for 'assessment of need' which is not to say there is no activity related to 'assessment of need' but that special schools found it challenging to disaggregate 'assessment of need' activity from everyday support provided to learners as they are 'always assessing the needs of learners' rather than it being a discrete activity' (page 20).

⁵² The costs are shown as falling only on mainstream schools. Although it is possible other agencies would have been involved, to a limited extent, in non-statutory assessments and reviews, Deloitte (2015) did not collect data disaggregated by statutory and non-statutory plans. All costs falling on local authority education services, social services and health services have been allocated to statutory plans.

8.39 Table 10 below sets out the estimated costs associated with resolving disagreements about statements. The total cost per year for resolving disagreements is estimated to be approximately £5,167,810 (in 2016-17 prices). It is estimated local authorities spend approximately £2,018,050 a year on resolving disagreements. Of this, it is estimated £1,633,100 is incurred as a result of responding to disagreements and £384,950 is incurred as a result of funding dispute resolution services to support children, young people and parents who have a disagreement with local authorities. Providers of dispute resolution services are estimated to incur costs of approximately £288,710 as a result of subsidising the cost of dispute resolution services for disagreements. In addition, parents are estimated to incur costs of £2,861,050 as a result of disagreements with local authorities about statements.

Table 10: summary of total costs for resolving disagreements about statements, 2016-17 prices⁵³

	Cost per year (£)
Local authority cost of responding to disagreements	1,633,100
Dispute resolution services - disagreements - cost to local authority	384,950
Dispute resolution services –disagreements - cost to service providers	288,710
Average cost to parents	2,861,050
Total	5,167,810

8.40 As Table 11 sets out, the estimated total cost relating to disagreements about statements which progress to the Special Educational Needs Tribunal Wales (SENTW) is £2,089,950. It is estimated local authorities spent approximately £1,088,600 a year in appeal related costs, made up of approximately £1,083,300 in defence related costs and £5,300 in dispute resolution services to support children, young people and parents. Providers of dispute resolution services are estimated to incur costs of approximately £31,800 subsidising the

⁵³ See Table 16 for local authority and service provider costs and Table 44 for average cost to parents.

cost of the service. Parents are estimated to spend approximately £817,550 a year in appeal related costs.

Table 11: summary of costs incurred as a result of appeals to SENTW, 2016-17 prices

	2016-17 prices (£)
SENTW ⁵⁴	152,000
Local authority cost of defending an appeal	1,083,300
Dispute resolution services - appeals - cost to local authorities	5,300
Dispute resolution services - appeals - cost to service providers	31,800
Parents ⁵⁵	817,550
Total	2,089,950

- 8.41 The following section sets out the detailed costs associated with statutory and non-statutory plans to support young people with ALN.

⁵⁴ Costs to SENTW set out in this section refer to programme costs only and do not include administrative costs.

⁵⁵ Costs to parents range from £5,522 where a parent uses advocacy services to £9,572 where parents do not access advocacy themselves but fund total professional costs. Source: Kids First (2013).

Costs by Sector

Local authority education services

- 8.42 Deloitte (2015)⁵⁶ estimates local authority education services total investment in special educational needs (SEN) between 2011-12 and 2013-2014, was £461,600,000⁵⁷.

Statutory assessment

- 8.43 Since local authorities have diverse processes for planning SEN provision, including the number of staff, the grade of staff and the time involved in the process, it has not been possible to identify the actual cost of undertaking an assessment. It is, however, possible to estimate an average cost per assessment based on the estimated costs Deloitte (2015) identifies as being spent by local authority education services on assessment and the number of assessments undertaken by local authorities each year.
- 8.44 Deloitte estimate local authority education services spent approximately £461,600,000 between 2011-12 and 2013-14. Of this, an estimated £25,800,000 was spent on assessments. That is, approximately 6% of local authority education services spend was spent on assessments.
- 8.45 Data on the number of assessments undertaken by local authority education services was collected until 2012⁵⁸. Thus, the actual number of assessments undertaken for 2013-14 is not available. It was, however, possible to estimate the number of assessments undertaken during 2013-14 by using the estimated average cost of assessments during 2011-12 and 2012-13.

⁵⁶ Deloitte (2015) An Examination of the Provision of Funding for Learners with Special Educational Needs or Learning Difficulties and/or Disabilities (Welsh Government: Cardiff).
<http://gov.wales/docs/dcells/publications/150706-final-report-en.pdf>

⁵⁷ This includes both statutory and non-statutory plan expenditure, funding of places for under-5s with SEN who are not in a maintained nursery and SEN inter-authority payments.

⁵⁸ <http://dera.ioe.ac.uk/17898/1/130619-pupils-statements-special-educational-needs-january-2013-en.pdf>

- 8.46 In 2011-12, local authorities undertook a total of 1,944 assessments⁵⁹ at an estimated total cost of approximately £9,362,000. The estimated average cost to local authorities of an assessment during 2011-12 was, therefore, approximately £4,800.
- 8.47 In 2012-13, local authorities undertook a total of 1,870 assessments at an estimated cost of approximately £8,702,500, giving an estimated average cost of £4,650 per assessment. Based on the assumption the cost of undertaking assessments during 2013-14 was broadly the same as that during 2011-12 and 2012-13, it is possible to estimate the number of assessments undertaken in 2013-14.
- 8.48 Local authority estimated spend on assessments during 2013-14 was £7,735,500. Using the 2013-14 spend and the average estimated cost of £4,750 for undertaking an assessment between 2011-12 and 2012-13, an estimated 1,634 assessments were undertaken in 2013-14 (see Table 12 below).

Table 12: local authority education services estimated spend on assessment by year

	2011-12	2012-13	2013-14	2016-17 prices⁶⁰
Total SEN spend (£)	167,500,000	155,700,000	138,400,000	142,786,300
Estimated spend on assessment (£)	9,362,000	8,702,500	7,735,500	7,980,700
Number of assessments	1,944	1,870	1,634	1,629
Cost per assessment (£)	4,800	4,650	4,750	4,900

- 8.49 The estimated cost to local authorities for undertaking assessments in 2016-17 prices is £7,980,700 per year.

⁵⁹Includes completed and ongoing assessments.

⁶⁰ 2013-14 costs uprated to 2016-17 prices.

Cost of assessment by local authority

- 8.50 Data on the number of assessments completed was collected by each of the 22 local authorities in Wales until 2012. It was possible, therefore, to work out spend per local authority for 2011-12 and 2012-13.
- 8.51 The cost per local authority for 2013-14 was estimated by taking the average number of assessments undertaken between 2011-12 and 2012-13 by each local authority as a proportion of the total average number of assessments undertaken between 2011-12 and 2012-13.
- 8.52 The proportion was used to estimate how many of the total estimated 1,634 assessments each local authority undertook.
- 8.53 Table 13 below sets out the estimated spend on undertaking assessments by local authority.

Time spent on assessments

- 8.54 Deloitte (2015) estimates the time taken to review requests for statutory assessments (to determine whether a statement of SEN is required) ranges from 1 to 2.25 hours and the time taken to perform statutory assessments ranges from 24 to 65 hours. Reviewing requests and undertaking statutory assessments is, therefore, estimated to take local authorities between 25 hours to 67.25 hours per statutory assessment.

Table 13: number of assessments⁶¹ per year by local authority

	Assessments actual		Assessments estimated	Estimated cost (£)			
Local authority	2011	2012	2013	2011-12	2012-13	2013-14	2016-17
Isle of Anglesey	32	32	27	154,110	148,920	129,800	133,910
Gwynedd	62	76	59	298,580	353,680	279,890	288,760
Conwy	37	35	31	178,190	162,880	146,030	150,660
Denbighshire	46	30	33	221,530	139,610	154,140	159,030
Flintshire	66	72	59	317,850	335,070	279,890	288,760
Wrexham	46	49	41	221,530	228,030	192,680	198,790
Powys	69	51	51	332,290	237,340	243,380	251,090
Ceredigion	12	2	6	57,790	9,310	28,390	29,290
Pembrokeshire	45	73	51	216,710	339,720	239,330	246,920
Carmarthenshire	202	176	162	972,800	819,060	766,660	790,960
Swansea	189	177	157	910,200	823,710	742,320	765,850
Neath Port Talbot	130	159	124	626,060	739,940	586,150	604,730
Bridgend	47	80	54	226,350	372,300	257,580	265,740
Vale of Glamorgan	37	44	35	178,190	204,760	164,280	169,490
Rhondda Cynon Taf	167	193	154	804,250	898,170	730,150	753,290
Merthyr Tydfil	32	47	34	154,110	218,730	160,230	165,310
Caerphilly	115	106	95	553,820	493,300	448,230	462,440
Blaenau Gwent	117	20	59	563,450	93,080	277,860	286,670
Torfaen	47	26	31	226,350	121,000	148,060	152,750
Monmouthshire	58	41	42	279,320	190,800	200,790	207,150
Newport	146	170	135	703,110	791,130	640,910	661,220
Cardiff	242	211	194	1,165,430	981,940	918,770	947,890
Total	1944	1870	1634	9,362,020	8,702,480	7,735,520	7,980,700

Reviews

- 8.55 Deloitte (2015) estimate between 2011-12 and 2013-14, local authority education services spent £11,700,000 on reviewing statements. That is, local authorities spent approximately 2.5% of their total spend of £461,600,000 on reviews.
- 8.56 Deloitte did not provide a breakdown of local authority spend on reviewing statements by year. It is, however, possible to estimate local authority spend per year on reviewing statements based on the assumption the percentage spend in each of the three years was consistent at approximately 2.5% of total spend.

⁶¹ Completed and ongoing

- 8.57 As Table 14 below sets out, the estimated cost of undertaking a review between 2011-12 and 2013-14 ranged between £310 and £260. It is not clear why the estimated cost of undertaking a review between 2011-12 and 2013-14 has decreased by £50 per review. Thus, the average estimated cost of £290 for undertaking a review during this period is used to calculate the 2016-17 price.
- 8.58 In 2016-17 prices, it is estimated local authorities incurred costs of £4,023,600 undertaking reviews of statements.

Table 14: local authority education services estimated spend on review by year

	2011-12	2012-13	2013-14	Average cost	2016-17 prices⁶²
Total spend (£)	167,500,000	155,700,000	138,400,000	153,866,700	158,743,100
Estimated spend on review (£) ⁶³	4,245,600	3,946,500	3,508,000	3,900,000	4,023,600
Number of reviews ⁶⁴	13,800	13,600	13,300	13,600	14,000
Cost per review (£)	310	290	260	290	300

- 8.59 In total, it is estimated local authorities spend a total of £12,004,300 per year assessing and reviewing statements, this is made up of £7,980,700 on assessments (see Table 12) and £4,023,600 on reviews (see Table 14).

Disagreements and Appeals

Disagreements about wanting or having a statement

- 8.60 For the purposes of this regulatory impact assessment, disagreements have been grouped into those which are about wanting a statement and those which are about having a statement. Disagreements about wanting a statement includes disagreements about a local authority decision not to

⁶² Average costs 2011-12 to 2013-14 uprated to 2016-17 prices.

⁶³ Based on approximately 2.5% of total yearly spend on SEN.

⁶⁴ Based on the assumption each statement is reviewed once each year.

assess and disagreements about a local authority decision not to issue a statement. Disagreements about having a statement relate to local authority decisions about the content of the statement.

- 8.61 In addition to the costs of assessing and reviewing statements, local authorities incur costs associated with disagreements about statements. The costs are incurred from providing disagreement resolution services for children, young people and parents who disagree with decisions local authorities have made in respect of statements and are incurred from the costs to local authorities when responding to those disagreements.
- 8.62 It has not been possible to determine the number of disagreements local authorities dealt with in 2013/14, since this data is not publicly available⁶⁵. It has, however, been possible to estimate costs using the number of cases dealt with by SNAP Cymru. SNAP Cymru is currently commissioned by the majority of local authorities in Wales to provide Parent Partnership and disagreement resolution services for children, young people and parents.
- 8.63 SNAP Cymru charges local authorities on average approximately £574,400 per year for parent partnership and dispute resolution services. The service is enhanced by funding from the Families First project which enables SNAP to provide additional support to vulnerable families. In total, SNAP receives an income of approximately £814,200 a year for parent partnership and dispute resolution services.
- 8.64 It is unlikely all parents who disagree with, or appeal against, a local authority decision related to not issuing a statement will use local authority funded disagreement resolution services. As such, the estimated costs set out below should be considered to be the minimum expected cost incurred by local authorities.

⁶⁵ Officials from Welsh Government contacted WLGA and individual local authorities. Data was not, however, available.

- 8.65 During the 30 month period October 2013 to April 2016, SNAP Cymru dealt with approximately 12,600 cases on behalf of 20 local authorities. 1,743 of the 12,600 cases were about wanting or having a statement of SEN. 1,723⁶⁶ cases were concerned with resolving disagreements 20 cases progressed to the Special Educational Needs Tribunal Wales (SENTW).
- 8.66 The total average cost of dispute resolution services to support a disagreement case is £875⁶⁷. The average estimated cost to local authorities per disagreement dispute resolution case is £500. The remainder of the cost - £375 - is subsidised by SNAP Cymru, through fund raising, use of charity reserves and volunteer hours⁶⁸.
- 8.67 Thus, the total cost over the 30 month period October 2013 to April 2016 for disagreement dispute resolution services across 20 local authorities was £1,507,188. Of this, the cost to the 20 local authorities is estimated to have been approximately £861,250 and the cost to SNAP Cymru is estimated to have been £645,938. This equates to a total yearly cost of £602,875⁶⁹ of which an estimated £344,500 was incurred by 20 local authorities and £258,375 was subsidised by SNAP Cymru (see Table 15 below). Grossing these figures up from 20 local authorities to 22 local authorities equates to 758 cases⁷⁰ at a total estimated cost of £663,163 per year of which an estimated £378,950 would be incurred by local authorities, with an estimated subsidy of £284,213 subsidised. In 2016-17 prices, this is equivalent to a total estimated cost of approximately £673,660, of which £384,950 would be incurred by local authorities, with an estimated subsidy of approximately £288,710.

⁶⁶ Calculations based on 1,722.5 rather than 1,723 $(3,485/2)-20=1,722.5$.

⁶⁷ Source: SNAP Cymru.

⁶⁸ Costed at £26 per hour (source: SNAP Cymru).

⁶⁹ $(1,722.5/30)*12=689$ cases per year across 20 local authorities. 689 cases at an average cost of £875=£602,875

⁷⁰ $(1,722.50/30)/20=2.87$ cases per local authority per month. $(2.87*12)*22= 757.9$ cases per year across 22 local authorities.

Table 15: local authority dispute resolution services for disagreements around wanting or having a statement

Cost of cases relating to disagreements about wanting or having a statement - excluding appeals		2016/17 prices
Total number of matters over the 30 month period - 20 LAs	3,485	
Total number of cases over 30 months - 20 LAs	1,743	
Number of these cases which were appeal related	20	
Total disagreement cases over 30 months - 20 LAs (minus appeal related cases)	1,723	
Number of disagreement cases per month across 20 local authorities	57	
Estimated number of disagreement cases per year across 20 local authorities	689	
Average total cost per disagreement resolution case	875	
Average LA cost per disagreement resolution case	500	
Average SNAP Cymru subsidy per informal case	375	
Average estimated total cost per year across 20 local authorities	602,875	612,410
Average estimated cost to LAs per year across 20 local authorities	344,500	349,950
Average estimate SNAP subsidy per year across 20 LAS	258,375	262,460
Estimated total cost per year - all Wales (22 LAs)	663,163	673,660
Estimated total cost to LAs per year - all Wales	378,950	384,950
Estimated service provider subsidy per year - All Wales	284,213	288,710

- 8.68 In addition to dispute resolution services, local authorities incur costs responding to disagreements. The cost to local authorities of responding to disagreements is not known, since data is not collected. It is possible, however, to estimate the cost based on the cost of disagreement resolution services and the cost to local authorities of defending an appeal.
- 8.69 Holtom et al (2014)⁷¹ estimate the cost to local authorities of defending a case appealed to SENTW is £10,000⁷². The average cost of dispute resolution services to support children, young people and parents through the appeal process is £4,125 per case⁷³. Thus, the cost to local authorities of defending a case at SENTW is 2.42 times greater than the cost of services to support children, young people and parents through the appeal process.
- 8.70 The cost local authorities incur when responding to disagreements is not currently known. It is possible, however, to estimate this cost based on the assumption the ratio between the cost to local authorities of responding to a disagreement and the cost of resolving a disagreement via a local authority dispute resolution service, is the same as the ratio between the cost to local authorities of defending a case appealed to SENTW and the cost of providing services to support children, young people and parents through the appeal process. That is, the cost to local authorities of responding to a disagreement will be 2.42 times greater than the cost of resolving a disagreement via a local authority dispute resolution service (see Table 16 below).
- 8.71 Between October 2013 and April 2016, the average cost per disagreement resolved through a local authority disagreement service was approximately £875. Based on the assumption the costs to the local authority of responding to a disagreement is 2.42 times greater than the cost of a disagreement supported through a local authority dispute resolution service, it is estimated local authorities incur costs of £2,121 per disagreement responded to. On this

⁷¹ Evaluation of a Pilot of Young People's Rights to Appeal and Claim to the Special Educational Needs Tribunal for Wales. Available at: <http://dera.ioe.ac.uk/20424/1/140626-pilot-young-peoples-rights-appeal-claim-sen-tribunal-en.pdf>

⁷² The estimate of £10,000 was provided by one of the local authorities participating in the pilot study.

⁷³ Source: SNAP Cymru.

basis, it is estimated local authorities spent approximately £1,607,670 a year between 2013-14 and 2015-16 responding to an average of 758 disagreements each year.

- 8.72 In 2016-17 prices, the estimated cost to local authorities incurred as a result of responding to disagreements about statements is approximately £1,633,100.
- 8.73 As Table 16 below sets out, the total estimated cost incurred in relation to disagreements and appeals is approximately £2,306,760 per year in 2016-17 prices. Of this, local authorities incur estimated costs of £2,018,050 and the estimated cost of subsidizing the service is £288,710. This includes disagreements about both wanting and having a statement. That is, disagreements about not being issued a statement or disagreements about the content of the statement.

Table 16: cost per year incurred by local authorities due to disagreements about wanting or having a statement

	cost per appeal (£)	factor in relation to appeal cost	cost per disagreement (£)	number of disagreements (£)	Total cost per year - disagreements (£)	Total cost per year 2016-17 prices - disagreements (£)	Cost to local authority - per disagreement (£)	Subsidy - per disagreement (£)	Total cost to local authority - disagreement (£)	Total subsidy - disagreement (£)	Total cost to local authority - disagreement - 2016-17 prices (£)	Total subsidy - disagreement - 2016-17 prices (£)
LA disagreement resolution service	4,125		875	758	663,160	673,660	500	375	378,950	284,210	384,950	288,710
LA education services	10,000	2.42	2,121	758	1,607,670	1,633,100	2,121	0	1,607,670	0	1,633,100	0
Total					2,270,830	2,306,760			1,986,620	284,210	2,018,050	288,710

Disagreements related to wanting a statement

- 8.74 It is possible to disaggregate the costs local authorities incur as a result of disagreements about not having a statement from those which are concerned with the content of the statement.
- 8.75 Between 2013-14 and 2015-16 SENTW received 284 appeals, of which 150 (53%) were about not having a statement and 134 (47%) were about having a statement (see Table 17 below).
- 8.76 Assuming the proportion of disagreements about not having a statement are equivalent to appeals to SENTW about not having a statement (53%), it can be estimated 402 of the 758 disagreements per year between 2013-14 and 2015-16 would have been about not having a statement and 356 would have been about having a statement.

Table 17: appeal by type, 2013/14 to 2015/16

	2015-16	2015-16	2014-15	2014-15	2013-14	2013-14	2013-14 to 2015-16		
Type of appeal	Number of appeals	%	Number of appeals	%	Number of appeals	%	Total	Average	%
Refusal to assess	41	39	40	39	26	33	107	36	38
Refusal to statement	11	10	14	14	10	13	35	12	12
Refusal to re-assess	3	3	0	0	1	1	4	1	1
Cease statement	2	2	0	0	2	3	4	1	1
Not having a statement	57	54	54	53	39	50	150	50	53
Contents of statements – parts 2 and 3	11	10	11	11	10	13	32	11	11
Contents of statements – parts 2, 3 and 4	24	23	18	18	18	23	60	20	21
Contents of statements – part 3 only	5	5	8	8	4	5	17	6	6
Contents of statements – part 4 only	5	5	8	8	5	6	18	6	6
Contents of statements – parts 3 and 4	3	3	2	2	2	3	7	2	2
Having a statement	48	46	47	47	39	50	134	45	47
Total	105	100	101	100	78	100	284	95	100

- 8.77 The estimated total cost of local authority disagreement resolution services for 402 cases where parents want a statement is approximately £357,040 per year in 2016-17 prices. Of this, it is estimated approximately £204,020 is incurred by local authorities and £153,020 is subsidised.
- 8.78 In addition, local authorities will incur costs responding to parents who disagree with not having a statement. In total, it is estimated local authorities incur costs of £865,540 per year in 2016-17 prices responding to the estimated 402 cases where parents disagree with decisions about not having a statement.
- 8.79 Combining the cost of dispute resolution services and the cost of responding to parents, it is estimated local authorities incur costs of £1,069,570 per year in 2016-17 prices responding to 402 disagreements about not having a statement and £153,020 is subsidised (see Table 18 below).

Table 18: local authority costs incurred from disagreements by type of disagreement, 2016-17 prices

	Cost (100%)	Not having a statement (53%)	Having a statement (47%)	Not having a statement (53%) - LA costs	Having a statement (47%) - LA costs	Not having a statement (53%) - subsidy	Having a statement (47%) - subsidy
Disagreement resolution services	673,660	357,040	316,620	204,020	180,920	153,020	135,690
Local authority response	1,633,100	865,540	767,560	865,550	767,560	0	0
Total	2,306,760	1,222,580	1,084,180	1,069,570	948,480	153,020	135,690

- 8.80 As Table 18 sets out, it is estimated the total costs associated with disagreements about having a statement is £1,084,180 in 2016-17 prices as a result of the 356 disagreements each year about having a statement. Of this, the local authorities are estimated to incur total costs of £948,480 per year in 2016-17 prices made up of approximately £180,920 for local authority disagreement resolution services and £767,560 incurred as a result of responding to disagreements about wanting a statement. The remaining