

# Argyll and Bute Council

## Internal Audit Report

July 2019

Final

# Additional Support Needs

Audit Opinion: High

	High	Medium	Low
Number of Findings	0	0	1

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## 1. Executive Summary

### Introduction

1. As part of the 2019/20 internal audit plan, approved by the Audit & Scrutiny Committee in March 2019, we have undertaken an audit of Argyll and Bute Council's (the Council) system of internal control and governance in relation to Additional Support Needs (ASN).
2. The audit was conducted in accordance with the Public Sector Internal Audit Standards (PSIAS) with our conclusions based on discussions with council officers and the information available at the time the fieldwork was performed. The findings outlined in this report are only those which have come to our attention during the course of our normal audit work and are not necessarily all the issues which may exist. Appendix 1 to this report includes agreed actions to strengthen internal control however it is the responsibility of management to determine the extent of the internal control system appropriate to the Council.
3. The contents of this report have been agreed with the appropriate council officers to confirm factual accuracy and appreciation is due for the cooperation and assistance received from all officers over the course of the audit.

### Background

4. The Education (Additional Support for Learning) (Scotland) Act 2004, defines that *'a child or young person has additional support needs for the purposes of this Act where, for whatever reason, the child or young person is, or is likely to be, unable without the provision of additional support to benefit from school education provided or to be provided for the child or young person.'*
5. The 2004 Act, and subsequent, 2009 Act, places duties on education authorities to make provision for children and young people with ASN. To enforce these duties, the 2004/2009 acts created a Code of Practice for professionals and also confers certain rights of redress on parents and created paths of resolution including mediation and a tribunal.
6. The presumption of inclusion of children with ASN in mainstream schools is a key feature of Scottish education. The Council support this presumption of mainstreaming by a fundamental belief that children should be educated within or as close to their own communities as possible. The Council only has one stand-alone special school (Parklands in Helensburgh) so inclusion within mainstream schools is the Council's principal mode of delivering education to children with ASN. However several schools have developed learning centres to assist in meeting local needs.
7. The 2018 ASN census return to the Scottish Government identified that 2,219 children in Argyll and Bute had an ASN. This is approximately 24% of all pupils. This is slightly lower than the Scottish average of 25%.
8. The Council has implemented a Staged Intervention Framework which provides guidance to school staff on how best to support children. Staged intervention is the agreed process used to identify, plan for and support children who have ASN and/or who require a targeted intervention.

9. The Council's total ASN service budget for 2018/19 was £8.87 million and this was overspent by £0.26 million. The 2019/20 budget has been set at £9.37 million and there are further projected demand pressures in 2020/21 and 2021/11.
10. As at October 2018 the Council employed 351 ASN assistants on contracted hours with a further 40 timesheet paid. This equated to 207 full time equivalent posts.

### Scope

11. The scope of the audit was to assess the procedures for allocating ASN funding and assess compliance with the Staged Intervention Framework and the Code of Practice established by the Education (Additional Support for Learning) (Scotland) Act 2004 as outlined in the Terms of Reference agreed with the Head of Education: Lifelong Learning and Support on 12 June 2019.

### Risks

12. The risks considered throughout the audit were:
  - **Audit Risk 1:** reputational risk to Council through failure to support needs of children and young people
  - **Audit Risk 2:** allocation of funds is not properly aligned to identified needs
  - **Audit Risk 3:** failure to comply with relevant legislation

### Audit Opinion

13. We provide an overall audit opinion for all the audits we conduct. This is based on our judgement on the level of assurance which we can take over the established internal controls, governance and management of risk as evidenced by our audit work. Full details of the five possible categories of audit opinion is provided in Appendix 2 to this report.
14. Our overall audit opinion for this audit is that we can take a high level of assurance. This means that internal control, governance and the management of risk are at a high standard. Only marginal elements of residual risk have been identified with these either being accepted or dealt with. A sound system of control designed to achieve the system objectives is in place and being applied consistently.

### Recommendations

15. We have highlighted one low priority recommendation where we believe there is scope to strengthen the control and governance environment. These are summarised below:
  - a consistent format should be adopted for child plans which include a next review date.
16. Full details of the audit findings, recommendations and management responses can be found in Section 3 of this report and in the action plan at Appendix 1.

## 2. Objectives and Summary Assessment

17. Exhibit 1 sets out the control objectives identified during the planning phase of the audit and our assessment against each objective.

### Exhibit 1 – Summary Assessment of Control Objectives

	Control Objective	Link to Risk	Assessment	Summary Conclusion
1	The Council has ASN policies /procedures which are aligned to relevant legislation and guidance.	Audit Risk 1 Audit Risk 2 Audit Risk 3	High	The Council has comprehensive procedures which reflect relevant legislation and guidance and a process to allocate ASN assistants based on an assessment of pupil need. Good progress has been made delivering an ASN action plan however training on SEEMiS data entry has been delayed from June 2019 till September 2019.
2	The process followed by Council officers to support children and young people with ASN is consistent with the Council's established policies and procedures.	Audit Risk 1 Audit Risk 3	Substantial	Support plans which are consistent with the Council's procedures are in place for children receiving ASN. There were some inconsistencies in the plan formats and they did not always document the next review date. There is guidance which sets out the criteria for allocating ASN assistant hours and schools have been notified of the hours allocated to them.
3	There are appropriate arrangements in place to ensure funds are allocated on the basis of need with needs subject to periodic review.	Audit Risk 2	High	Strategic Finance meet the ASN Education Officer on a monthly basis to discuss budgets and an agreed 2019/20 base budget is in place which is based on the agreed allocation of ASN hours against each school. Detailed costing schedules are currently being prepared for ASN assistants in each school enabling budgets to be prepared for each school down to ASN assistant level.

18. Further details of our conclusions against each control objective can be found in Section 3 of this report.

## 3. Detailed Findings

[The Council has ASN policies/procedures which are aligned to relevant legislation and guidance.](#)

19. The Council's Education Service (Education) has a "Staged Intervention Framework" (the Framework) which sets out the agreed process to identify, plan for and support children with ASN and/or require targeted intervention. The Framework is used as a mechanism to identify, assess, plan, record and review to meet the learning needs of children and young people.
20. A review of the Framework confirmed it adequately details the processes to identify, plan for and support children with ASN with clearly defined roles and responsibilities. The Framework has taken cognisance of relevant legislation and guidance including the Additional Support for Learning Act 2004, subsequent 2009 Act, the Code of Practice which followed from the those

acts and other relevant publications such as Curriculum for Excellence. The Framework was last reviewed in May 2019.

21. Education have a process to allocate ASN assistants based on an assessment of pupil need. The process is designed to ensure a consistent approach to allocation across the council area. There is a structured approach to learning which means ASN staff can access appropriate training to help them perform their role.
22. The Council carried out a review of ASN services in the autumn of 2018. A paper presented to Community Services Committee in June 2019 entitled 'Additional Support Needs Management Review-Progress update' states that "*an action plan to introduce a range of operational improvements to the management practices has been implemented over the last five months*'. We reviewed the action plan and confirmed that good progress is being made against the majority of actions.
23. One of the actions was to deliver training to clerical staff and head teachers on the entry of ASN classification data into SEEMIS. This training was due to be completed by the end of June 2019 but was delayed till September 2019. The paper presented to the June 2019 Community Services Committee incorrectly stated the training had been carried out. At the time the Committee paper was drafted it was assumed the training would have been delivered. The draft paper was not amended to reflect the delay. This is considered to be a minor oversight and no audit issue has been raised.

The process followed by Council officers to support children and young people with ASN is consistent with the Council's established policies and procedures.

24. The Framework stipulates that every child receiving ASN must have their needs and outcomes detailed in a Universal Child's Plan and that the '*Support provided through a Child's Plan processes must be outcome focused and linked to the overarching "Getting it Right for every child" (GIRFEC) Well Being Indicators.*' It further stipulates that plans should be reviewed at least annually.
25. A sample of five child plans were reviewed. Each detailed both long and short outcomes with links included to the well-being indicators. All outcomes had a completion date and a success criteria attached to them. The format of the plans were not always consistent and the next review date was only recorded on two of the five sampled. There is an ongoing project to record all ASN records within a sub-system of the SEEMiS management information system called 'Well-Being'. This will address the issue of inconsistent plan formats. Logical access has been set up to restrict access to ASN data on SEEMiS to appropriate users.

#### **Action Plan 1**

26. Education have formal guidance for schools which sets out the criteria for allocating ASN assistant hours. The guidance states that ASN support will only be granted for pupils with needs falling into one of a range of defined categories as established by the Framework. These categories are:
  - severe and complex/profound
  - moderate learning difficulties
  - social/emotional behavioural difficulties
  - hearing impairment

- visual impairment
  - children on the autistic spectrum
  - children with language and communication difficulties
  - children with severe physical impairment
  - children/young people who have medical or personal care needs (5 hours a week maximum).
27. The five sampled child plans confirmed that the assessed children met at least one of the defined categories.
28. Each child with ASN is allocated a named person. For primary school children this is the school head teacher and for secondary school children it is the guidance teacher. The Council's Head of Education is responsible for informing the named person of the total number of hours allocated to their school in regard to ASN support assistants.
29. Education aim to inform each school of their allocated hours by the end of May each year. Currently there are 7,560 hours available for ASN assistants which includes a contingency of 488 hours. The letter sent to schools noted that *'the allocation relates to the school session 2019/2020 and no mid-term allocations will be considered unless a new pupil with identified needs is enrolled or there are significant changes to a young person's ability to access the curriculum.'*
30. Parents of children with ASN are provided with appropriate ASN information via the Council website. The website also advises parents on the actions they can take if they are refused access to ASN or have not received notification of a decision within established timescales.
- There are appropriate arrangements in place to ensure funds are allocated on the basis of need with needs subject to periodic review.*
31. The Council publish an annual budget pack which is available via the Council website. The 2019/20 pack reported an ASN cost/demand pressure of £0.608m for 2019/20, £0.737m for 2020/21 and £0.865m for 2021/22. The pack confirms that demand for ASN support in Argyll and Bute has continued to grow with a significant increase in children and young people presenting with complex additional support needs, including mental health difficulties. It is anticipated that this growth will continue over the next three years however the extent of it is difficult to determine.
32. Strategic Finance meet the ASN Education Manager on a monthly basis to discuss a number of areas including budget variances and expected cost and/or demand pressures that may impact the final ASN outturn for the year. In addition Strategic Finance have been attending fortnightly progress meetings to discuss the delivery of the action plan referenced at paragraph 22. Attendees at these meetings include the ASN Education Manager for Inclusion and Equality and the Council's two heads of education.
33. An agreed base budget is in place for 2019/20. The base budget has been prepared based on the agreed total allocation of ASN hours against each school. A spreadsheet of costed hours covering each ASN Assistant within each school is currently being prepared. This will enable detailed budgets to be prepared for each school down to ASN assistant level and will therefore mean more detailed budget monitoring can take place.

34. ASN assistants have been issued with revised employment contracts which are area based rather than individual school based. This will provide a higher degree of flexibility in terms of service delivery.

## Appendix 1 – Action Plan

	No	Finding	Risk	Agreed Action	Responsibility / Due Date
Low	1	<p><b>Format of Child Plans</b></p> <p>The Council do not use a standard format for child plans however this will be addressed when all plans are recorded on SEEMiS. However sample testing highlighted that plans do not always include a next review date.</p>	Lack of compliance with established procedures.	As child plans are reviewed over the coming school session 2019-20 they will be converted onto the Well-being App format, this format contains a "Date of Next review" field. Schools will be supported to change all plans to the new format within the Well-being App by Area Principal Teachers. During the year there will be checks to see how many plans have been converted and to check if the date of review field has been completed.	<p>Education Officer</p> <p>30 September 2020</p>

In order to assist management in using our reports a system of grading audit findings has been adopted to allow the significance of findings to be ascertained. The definitions of each classification are as follows:

Grading	Definition
High	

	A major observation on high level controls and other important internal controls or a significant matter relating to the critical success of the objectives of the system. The weakness may therefore give rise to loss or error.
<b>Medium</b>	Observations on less significant internal controls and/or improvements to the efficiency and effectiveness of controls which will assist in meeting the objectives of the system. The weakness is not necessarily substantial however the risk of error would be significantly reduced if corrective action was taken.
<b>Low</b>	Minor recommendations to improve the efficiency and effectiveness of controls or an isolated issue subsequently corrected. The weakness does not appear to significantly affect the ability of the system to meet its objectives.

## Appendix 2 – Audit Opinion

Level of Assurance	Definition
<b>High</b>	Internal control, governance and the management of risk are at a high standard. Only marginal elements of residual risk have been identified with these either being accepted or dealt with. A sound system of control designed to achieve the system objectives is in place and being applied consistently.
<b>Substantial</b>	Internal control, governance and the management of risk is sound. However, there are minor areas of weakness which put some system objectives at risk and specific elements of residual risk that are slightly above an acceptable level and need to be addressed within a reasonable timescale.
<b>Reasonable</b>	Internal control, governance and the management of risk are broadly reliable. However, whilst not displaying a general trend, there are areas of concern which have been identified where elements of residual risk or weakness may put some of the system objectives at risk.
<b>Limited</b>	Internal control, governance and the management of risk are displaying a general trend of unacceptable residual risk above an acceptable level and placing system objectives are at risk. Weakness must be addressed with a reasonable timescale with management allocating appropriate resources to the issues raised.
<b>No Assurance</b>	Internal control, governance and the management of risk is poor. Significant residual risk and/or significant non-compliance with basic controls exists leaving the system open to error, loss or abuse. Residual risk must be addressed immediately with management allocating appropriate resources to the issues.