



CABINET - 15 SEPTEMBER 2017

**PROPOSALS TO CONSULT ON REMOVAL (CLOSURE) OF
RESIDENTIAL FACILITIES AT MAPLEWELL HALL SPECIAL
SCHOOL**

**REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY
SERVICES**

PART A

Purpose of the Report

1. The purpose of this report is to advise the Cabinet of the current position regarding the use of residential facilities at the Maplewell Hall Special School and to seek approval to consult on the removal (closure) of the residential facilities at the school with effect from September 2018.

Recommendations

2. It is recommended that the Cabinet:
 - (a) Notes the current position regarding the use of the residential facilities at the Maplewell Hall Special School;
 - (b) Approves the commencement of informal/pre-consultation, as part of the statutory prescribed alterations process, on a proposal to remove (close) the residential facilities with effect from the start of the school year in September 2018;
 - (c) Agree that a further report be submitted to the Cabinet on 24 November 2017 on the outcomes of the consultation referred to in (b) above in order to determine the next steps.

Reasons for Recommendations

3. There are no pupils placed at Maplewell Hall who are assessed as having a need for residential provision stated in their Education Health and Care Plans (EHCP).
4. There is significant pressure on the Council's High Needs Block (HNB) budget which funds special needs provision. The closure of the residential facilities will allow savings to be made to the HNB budget and funding to be directed to other areas of increased demand where appropriate.

5. The closure of the residential facilities in September 2018 will allow for phased removal and adequate measures of support to be put in place (where appropriate) for families/pupils affected by the change.
6. Following the statutory process and undertaking consultation on the proposals is in keeping with the Council's corporate standards and the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

Timetable for Decisions (including Scrutiny)

7. Should the Cabinet agree the recommendations to this report, it is proposed that consultation with parents, the local community and other stakeholders will commence before the end of September for six weeks. This would enable the outcome of the consultation to be reported back to the Cabinet in November.
8. The Children and Families Overview and Scrutiny Committee will be provided the opportunity to comment on the proposals for consultation at its meeting on 13th November 2017.
9. Subject to the Cabinet's decision in November, a Statutory Notice would then be published, in accordance with the statutory process. This would be followed by a further period of consultation (the representation period) before a final decision is made. More detail about this process is given in Part B of this report below.

Policy Framework and Previous Decisions

10. The Cabinet has not previously considered the budget position for the High Needs Block.
11. The statutory guidance for making prescribed alterations to maintained schools was re-issued by the Department for Education (DfE) in April 2016. The guidance allows for either the Local Authority or governing body of a community special school to propose the removal of boarding (residential) provision, requiring that a statutory process be followed where the change affects five pupils or more, as is the case with Maplewell Hall Special School.

Resource Implications

12. It is expected that the revenue costs associated with the proposals and process for removal of the residential facilities, if implemented, will be met from within existing service budgets, and this will largely be to the Children and Family Service School Organisation Service. However, further revenue costs may arise to provide any individual support to families/pupils as a consequence of the removal of facilities – these costs have yet to be quantified.
13. Initial discussions with the school suggest that most of the staff displaced by the closure of the residential facility are likely to be redeployed to other posts within the school which should help keep the need for redundancy payments

to a minimum. The policy for redundancy costs at maintained schools requires that schools submit a business case which will be considered for financial support through the departmental Premature Retirement Costs (PRC) budget; the policy provides a contribution to cost.

14. The full year saving to the HNB budget will be £293,000. For the 2018/19 financial year, assuming removal of the facilities from September 2018, the partial saving is projected at £170,900.
15. The Director of Corporate Resources and the Director of Law and Governance have been consulted in the preparation of this report.

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PART B

Background

16. Maplewell Hall Special School, built in 1857 and located in Woodhouse Eaves, currently has capacity for 195 pupils with SEND, in addition to a 10 bedroom residential facility. The school has maintained status and is therefore directly controlled by the Local Authority.
17. The school caters predominantly for pupils with Moderate Learning Difficulties (MLD) having 183 pupils on roll, including 20 pupils within a designated Autism Spectrum Disorder (ASD) facility.
18. The school currently receives an allocation of £293,000 per annum (from the High Needs Block) to support the residential provision, however no pupils currently attending the school have any requirement for residential provision included within their EHCP (Statement), and this has been the case for the past few years.
19. Discussions with the Headteacher and Chair of Governors indicate that the funding provided is used to support extended school activities with regular pupil sleep-overs. This is intended to support curriculum enrichment, but is not designated as either respite or short break provision. Figures provided by the school indicate that the use of the residential facility is up to 24 students per night Monday to Thursday, with each person having 12-14 nights' attendance per school year.

Statutory Process

20. The process for the closure of a residential provision is defined by the Statutory Guidance relating to Opening and Closing Maintained Schools as published by the DfE in April 2016. In summary, the process requires:
 - A period of informal/ pre-consultation for a minimum of 6 weeks. This will be led jointly by Children and Family Service officers and Maplewell Hall School.
 - Subsequent publication of a Statutory Notice by the Local Authority following consideration of the consultation findings. It is expected this would commence in mid-January 2018.
 - A period of representation (formal consultation) of 4 weeks.
 - A decision to be taken by the Local Authority to determine the Statutory Notice. This decision would be taken by the Director of Children and Family Services following consultation with the Cabinet Lead Member unless there were significant objections, in which case the matter would be referred to the Cabinet for decision. It is likely this would be mid-February 2018.
 - Implementation of the proposals.

Consultation

21. The consultation will comprise of two stages; the first a period of informal/pre-consultation extending for 6 weeks, and the second a period of formal consultation extending for 4 weeks following the publication of the statutory notice (this is defined under the statutory process as the representation period).
22. Consultation will take place with the following persons/organisations
 - Parents and pupils
 - The governing body of the school
 - Teachers and other staff at the school
 - The respective Trade Unions and Professional Associations;
 - Leicestershire Special School Headteacher (LSSH) group
 - The local MP; Edward Agar
 - Any other stakeholders/professionals having an interest in the residential element of the school.
23. The consultation will involve writing to the above individuals and groups to seek their views. In addition information will be placed on the School's website accompanied by further guidance by way of 'frequently asked questions', and the opportunity provided for parents and others to attend an open meeting at the school.
24. Following the statutory representation period the proposals must be determined within two months by the Local Authority.

Background Papers

None.

Relevant Impact Assessments

Equality and Human Rights Implications

25. The underlying purpose of the proposals is to ensure a more equitable use of the HNB budget to meet priorities for pupils with Special Educational Needs and Disabilities.
26. Consultation with those affected by the proposed closure of the residential provision will ensure that all proper considerations are given to the equality of opportunity for those affected.
27. In keeping with the Public Sector Equality Duty, an Equality Impact Assessment for the proposed change has been completed to help address any necessary support for pupils/parents arising as a consequence of the closure of the residential facility. The Assessment confirms the need to ensure that adequate support is offered to pupils and families (via a social care assessment if deemed appropriate) and to give advice on alternative activities in the community. In addition the school will be encouraged to continue to develop

their offer in respect of extra-curricular activities to enhance learning and development.

Risk Assessment

28. The removal of the residential provision will not present any significant risk to either the sustainability of the Maplewell Hall Special School or the educational outcomes for any pupils who attend.
29. Any risks to the Council arising from the proposals will be kept under review by officers within the Children and Family Service and where required, will be reported to the Departmental Management Team, and Corporate Schools Group (which maintains oversight of all school organisation matters) to help determine actions to mitigate.