



**CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY
COMMITTEE - 13 NOVEMBER 2017**

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

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

Purpose of the Report

1. The purpose of this report is to seek the views of the Children and Families Overview and Scrutiny Committee regarding the use of residential facilities at the Maplewell Hall Special School. The Committee is asked to note the proposals for removal (closure) of the residential facilities at the school with effect from September 2018 and to consider the consultation responses. The Committee's comments will be submitted to the Cabinet meeting on 24 November 2017.

Policy Framework and Previous Decisions

2. 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.
3. At its meeting on 15 September 2017, the Cabinet considered a report of the Director of Children and Family Services which sought approval to consult on the removal of the residential facilities at the Maplewell Hall Special School from September 2018. At the meeting it was resolved:
 - (a) That the current position regarding the use of the residential facilities at the Maplewell Hall Special School be noted;
 - (b) That 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, be approved;

- (c) 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.

Background

4. Maplewell Hall Special School, built in 1857 and located in Woodhouse Eaves, currently has capacity for 195 pupils with Special Educational Needs and Disabilities (SEND), in addition to a 10 bedroom residential facility. The school has maintained status and is therefore directly controlled by the Local Authority.
5. 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.
6. The school currently receives an allocation of £293,000 per annum (from the High Needs Block) to support the residential provision.
7. Discussions with the Head Teacher 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 residential facility was used by up to 24 students per night Monday to Thursday, with each student having 12-14 nights' attendance per school year. The number of available beds has now been reduced to below 20, as two of the bedrooms have been taken out of use due to concerns identified during fire risk assessments. More recent information provided by the school, confirms that for the last academic year 69 pupils used the residential facilities; this equates to 37% of the school population i.e. approximately 1 in 3 of the pupils.
8. There are no pupils placed at Maplewell Hall Special School who are assessed as having a need for residential provision stated in their Education, Health and Care Plan (EHCP). These plans are reviewed annually and this has been the case since 2015. EHCPs are plans for children and young people aged up to 25 who need more support than is available through special educational needs support. They identify education, health and social needs and set out the additional support to meet those needs.
9. The closure of the residential facilities in September 2018 would allow for phased removal, assessments to be undertaken (where required) and adequate measures of support to be put in place (where appropriate) for families and pupils affected by the change.

Statutory Process

10. The process for the closure of a residential provision is defined by the School organisation legislation and the associated Statutory Guidance relating to Opening and Closing Maintained Schools as published by the DfE in April 2016. In summary, the process recommends as good practice:-

- A period of informal/ pre-consultation for a minimum of six weeks. This is the consultation that has just been undertaken jointly by Children and Family Service officers and Maplewell Hall Special School.

The relevant regulations require:-

- Subsequent publication of a Statutory Notice by the Local Authority following consideration of the consultation findings. If Cabinet resolves to proceed with the proposals, it is expected this would commence in mid-January 2018.
- A period of representation (formal consultation) of four weeks.
- A decision to be taken by the Local Authority to determine the Statutory Notice. This decision could be taken by the Director of Children and Family Services following consultation with the Cabinet Lead Member unless there are 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 procedures

11. The consultation comprises two stages; the first a period of informal/pre-consultation which has extended for six weeks, and the second a period of formal consultation extending for four weeks following the publication of the statutory notice (this is defined under the statutory process as the representation period).
12. The formal consultation process will be carried out with the following:
 - 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.
13. The consultation to date involves writing to the above individuals and groups to seek their views. In addition, information has been placed on the School's website accompanied by further guidance by way of 'frequently asked questions'. The opportunity has so far been provided for parents to attend two open meetings at the school, and a discussion has taken place with the student council.
14. Following the statutory representation period (of four weeks) the proposals must be determined within two months by the Local Authority.

Outcome of informal/pre-consultation period

15. The informal/pre-consultation period ended on 29 October 2017. By the close of this first stage of consultation there had been 252 responses.
16. An 'e' petition and a paper petition, signed by 11,592 people, was presented to the County Council on Friday 27 October 2017.
17. At the time of writing this report the results of the consultation are being evaluated and will be reported in detail, via a presentation, to Members at the Committee meeting on 13 November 2017.

Resource Implications

18. 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 funded by the Children and Family Service School Organisation Service. However, further revenue costs may arise to provide any individual support to families and pupils as a consequence of the removal of facilities – these costs have yet to be quantified and would be met through the High Needs Budget or County Council funding, depending on the need identified.
19. Initial discussions with the school suggest that any staff displaced by the closure of the residential facility, are likely to be redeployed to other posts within the school which should avoid the need for any redundancy payments. 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; this is a contribution only towards the cost.
20. The full year saving to the High Needs Budget (HNB) 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.

Timetable for Decisions

21. The Cabinet will, at its meeting on 24 November 2017, consider whether to proceed with the publication of the Statutory Notice (as referred to in paragraph 10 above) and a further four week period of consultation. This would commence in mid-January 2018. As the petition has exceeded 10,000 signatures, a report setting out the decision of the Cabinet will be presented to the next full meeting of the County Council on 6 December 2017.

Circulation under the Local Issues Alert Procedure

Mrs D. Taylor CC

Officers to contact

Paul Meredith, Director of Children and Family Services
Tel 0116 305 7441 email: paul.meredith@leics.gov.uk

Jane Moore, Assistant Director, Education and Early Help
Tel. 0116 305 2649 email: jane.moore@leics.gov.uk

David Atterbury, Head of Service (Education Sufficiency)
Tel 0116 305 7729 email: david.atterbury@leics.gov.uk

Relevant Impact Assessments**Equality and Human Rights Implications**

22. 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.
23. 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.
24. In keeping with the Public Sector Equality Duty, an Equality and Human Rights Impact Assessment (EHRIA) for the proposed change has been completed and will be revised accordingly to reflect the results of the first stage of consultation. The EHRIA will help address any necessary support for pupils and parents arising as a consequence of the closure of the residential facility. The Assessment so far 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

25. 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.
26. Any risks to the Council arising from the proposals will be kept under review by officers within the Children and Family Service.

This page is intentionally left blank