



CABINET – 24 NOVEMBER 2017

**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 results of the first stage of the consultation on the proposals to remove (close) the residential facilities at the Maplewell Hall Special School with effect from September 2018, and to seek approval to publish a Statutory Proposal and Notice as the next step to implement the process for removal of the residential facilities. The report also advises of the use of the Council's High Needs Block budget.
2. The removal of funding for the residential facilities will not have an adverse impact on the afterschool activities that precede overnight stays for pupils, as these afterschool activities are operated separately by the school.

Recommendations

3. It is recommended that:
 - (a) The online and written responses received to the first stage of consultation including an e-petition and a paper petition with a total of 11,592 signatures, many from outside Leicestershire, be noted;
 - (b) Approval be given to proceeding with the proposal to remove (close) the residential facilities at Maplewell Hall School with effect from September 2018;
 - (c) It be noted that the removal of the residential provision, if progressed, is not expected to have an adverse impact on the afterschool activities provided by Maplewell Hall School and that, subject to the outcome of further audit work, officers will work with the school to ensure the continuance of the afterschool activities;
 - (d) The publication of a Statutory Notice in early January 2018 supported by a statutory proposal as the next step to progress the removal (closure) of the residential provision be approved, and it be noted that

this will be followed by a four week 'representation period', during which further comment on the proposals can be made;

- (e) The use of the Council's High Needs Block budget and the increasing pressures on it be noted;
- (f) A further report be submitted to the Cabinet on 9th March 2018, after the representation period, to enable a final decision to be taken on the implementation or otherwise, of the closure of the residential facilities;
- (g) In light of the petition having over 10,000 signatures, the decision of the Cabinet be reported to the Council on 6th December to enable the Council to debate the issue.

Reasons for Recommendations

4. There has been a significant response to the consultation. The over-riding majority of the reasons put forward by respondents to keep the residential facilities open are not considered to relate directly to an educational need. For example, many refer to use of the facilities as respite care provision.
5. The removal of the residential funding will not have an adverse impact on the afterschool activities that precede overnight stays for pupils, as these are operated separately by the school.
6. There are no pupils placed at Maplewell Hall who are assessed as having a need for educational residential provision stated in their Education Health and Care Plans (EHCP).
7. No other school in the County catering for pupils with special educational needs including those educating children with profound and multiple difficulties has been provided with funding which is being used for a residential element.
8. The Council's High Needs Block (HNB) budget is provided solely for the purpose of providing education for pupils with special educational needs and disabilities (SEND). Therefore this budget should not be used to fund children's social care needs including respite care or short breaks.
9. There is significant pressure on the HNB budget. The closure of the residential facilities will allow savings to be made and funding to be directed to other areas of increased demand and greater priority as appropriate, recognising the range of pupils with SEND across the County.
10. The closure of the residential facilities in September 2018 will allow for appropriate support to be put in place (where assessed to be required) for families/pupils affected by the change.
11. The publication of the Statutory Notice is in keeping with Council's legal obligations as set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

12. The Council's Constitution provides that petitions with over 10,000 signatures are debated by full Council. The decision on the removal of the residential facility is a matter for the Council's Executive - the Cabinet - which must take the final decision.
13. [Members are advised that parents of pupils affected by the change are entitled to make a complaint (under the Children Act complaints procedure) if they consider that their child is being denied entitlement to an overnight short break from social care.]

Timetable for Decisions (including Scrutiny)

14. Should the Cabinet agree the recommendations in this report, it is proposed that a Statutory Notice be published in the week commencing 15th January 2018. This would allow the County Council to debate the matter and its views to be taken into account.
15. The Children and Families Overview and Scrutiny Committee discussed the proposals for the removal of the residential facilities at its meeting on 13th November 2017. The draft minute is attached to this report as Appendix A. In brief, the Overview and Scrutiny Committee recognised the value and quality of the residential provision and noted that this was not in dispute. The Committee's concerns related to the lack of detailed information about:
 - a) The cost of operating the residential care provision;
 - b) The cost to the Council of any alternative provision to be made for children currently using the facility who might qualify for additional support.
16. In the absence of such information the Committee was unable to come to a view on the matter and asked the Cabinet to ensure that it had this information to hand when coming to a final decision.
17. Subject to the Cabinet's decision at this meeting, the outcome of the Statutory Notice and representation period would be reported to the Cabinet on 9th March 2018, to enable a final decision on the closure of the residential facilities to be taken. More detail about the statutory process is given in Part B of this report.

Policy Framework and Previous Decisions

18. The Cabinet approved the commencement of consultation on the proposals at its meeting of 15th September 2017.
19. County Council policy requires that any petition of 10,000 signatures or more is considered at a meeting of the full Council.
20. The statutory guidance for making prescribed alterations to maintained schools, which sets out the arrangements for the removal of residential (boarding) provision at a community special school, was re-issued by the Department for Education (DfE) in April 2016. The guidance requires that the

Statutory Proposal and Notice is published, and subsequently determined, by the Local Authority within two months of the end of the representation period.

Resource Implications

21. The Council faces significant financial pressures across all services but particularly in respect of children's services. The residential facility at Maplewell Hall is funded from the HNB of the Dedicated Schools Grant (DSG). This budget overspent by £2 million in 2016/17. The £63 million budget is forecast to overspend again in 2017/18 by £1 million. This is despite an approved increase in the budget of £2.8 million. To date these overspends have been met from a withdrawal from DSG reserves. This is unlikely to be possible after next year as reserves will be depleted.
22. The Children and Families Service (C&FS) has achieved Medium Term Financial Strategy (MTFS) savings totalling £28.2 million between 2010/11 and 2016/17. The 2017/18 MTFS savings for the C&FS total £1.9 million, rising to £8.1 million in 2021.
23. An updated SEND Strategy is being developed to ensure the Council is using the finite resources available within the HNB to best effect to meet rising demand for services and to ensure services are targeted towards those in greatest need. As part of this a review of the eligibility criteria for services is being undertaken and as a result some services will need to be reduced or cease. This will mean some families and children will no longer be able to access services they have previously received. The proposed removal of residential facilities at Maplewell School falls into this category. It is accepted that this is regrettable but recognised that it is unavoidable given the present unsustainable financial situation and the fact that the Council has to prioritise those children with the most complex needs.
24. A number of initiatives are being implemented that aim to contain the costs of services for children with SEND within the available grant. The removal of the residential provision at Maplewell Hall will, if progressed, contribute to the achievement of the savings required to reduce the overspend on the HNB. The full year savings 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.
25. This is a challenging programme of reform against a backdrop of rising demand for SEND services with 355 additional children requiring support during 2016/17 and an additional 50 up to the end of October this year. Failure to contain expenditure within the HNB block of DSG would add further pressure to the Council's budget which already has a substantial gap at the end of the medium term, which will increase if decisions affecting all services are not taken.
26. The consequence of not making the saving on removal of the residential provision is that other services funded by the HNB will need to make savings, all impacting on pupils with SEND including potentially those with severe disabilities.

27. The revenue costs associated with the proposals and process for removal of the residential facilities, including those relating to the publication of the Statutory Notice, will be met from within existing service budgets, and this will largely be to the C&FS.
28. It should be noted that further revenue costs may arise to provide any individual support to families/pupils as a consequence of the removal of facilities, these costs relate to social care arrangements and transport.
29. Officers within C&FS have re-reviewed all children currently attending Maplewell Hall School and who are currently supported by children's social care. None of these children are likely to require any additional support over the existing plans that are in place for them. Therefore the appraisal shows additional costs to children's social care will be minimal, if anything.
30. Officers within the Environment and Transport Department have advised that based on a provisional assessment, the expected increased costs relating to home to school transport arising from closure of the residential facilities are projected to be low, and no more than £5,000 overall.
31. The Director of Corporate Resources and the Director of Law and Governance have been consulted in the preparation of this report.

Circulation under the Local Issues Alert Procedure

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PART B

Background

Special Educational Needs in Leicestershire

32. In Leicestershire there are currently around 3600 children with an Education Health and Care Plan (EHCP). This represents a 22% increase in plans since the 2014/15 academic year when there were 2801. The categories of Special Education Needs as defined by the SEN Code of Practice are:

- Communication and interaction
- Cognition and learning
- Social, emotional and mental health difficulties
- Sensory and/or physical needs

33. Support for learning difficulties may be required when children and young people learn at a slower pace than their peers, even with appropriate differentiation. Learning difficulties cover a wide range of needs, and in order of hierarchy or need can be defined as follows:-

a) Profound and Multiple Learning Difficulties (PMLD)

These are children who are likely to have severe and complex learning difficulties as well as a physical disability or sensory impairment. Their level of need is defined as **high to severe**.

b) Severe Learning Difficulties (SLD)

These children are likely to need support in all areas of the curriculum and associated difficulties with mobility and communication. Their level of need is defined as **moderate to high**.

c) Moderate Learning Difficulties (MLD)

These children are likely to need less support with curriculum activities than the groups above. Their level of need is deemed to be **low to moderate**.

34. In the context of the above MLD has to be considered as a relatively low area of SEND Need. The majority of children with severe and profound disabilities do not attend Maplewell Hall School; they generally attend Area Special Schools.

Maplewell Hall School

35. Maplewell Hall Special School caters predominantly for pupils with MLD having 183 pupils on roll, including 20 pupils within a designated Autism Spectrum Disorder (ASD). The school has maintained status and is therefore directly controlled by the Local Authority.

36. The residential provision referred to in this report is defined as overnight stays for pupils. In the case of Maplewell Hall this will follow afterschool activities normally ending at 7.30pm and covers the evening meal, social activities that may follow, overnight sleeping and preparation for school the next day. There are some children who attend Maplewell who participate in the afterschool activities but do not stay overnight. These children are either collected by parents or transport arrangements are made for them.
37. The residential facilities comprise bedrooms located on the first and second floors of the main school building which was constructed in 1857. This originally offered 24 beds to pupils for overnight stays but has recently been reduced to 20 beds as a consequence of two bedrooms (four beds) being taken out of use as a consequence of concerns raised during a Fire Risk Assessment.
38. The school currently receives an allocation of £293,000 per annum from the HNB to support the residential provision calculated via the use of a formula based on a payment per place. No other school in Leicestershire catering for children with special educational needs, including those catering for children with high or severe needs, has residential provision or funding for residential provision.
39. Recent information provided by the school confirms that for the last academic year 69 pupils used the residential facilities, this equates to 37% (approximately 1 in 3) of the school population. However no pupils currently attending the school have any requirement for education residential provision included within their EHCP, and this has been the case for the past few years.
40. Discussions with the Head Teacher and Chair of Governors indicate that the funding provided is used to support extended school activities with regular pupil sleepovers.
41. The purpose of residential provision within a school is to meet an educational need through curriculum enrichment and it has to be identified within a pupil's EHCP. It is not appropriate to use such facilities for the provision of respite care which is provided via children's social care and subject to a different regulatory framework. In other SEN schools in the County curriculum enrichment is undertaken after school hours without the need for residential provision. The funding provided to Maplewell Hall School is additional to that made to other SEN schools, it is not designated as either respite or short break provision and should not be used for this purpose, particularly when there is such pressure on the HNB budget.

Education Health and Care Plans

42. Education Health and Care Plans were introduced in September 2014 and replaced Statements of Special Educational Needs. EHCPs are written by the Council's Special Educational Needs Assessment Service following statutory guidance in the SEND Code of Practice and using information provided by all professionals involved with the child as well as information from the child and their family. The professionals will indicate in their reports the child's

assessed needs, the outcomes that should be met and the provision to meet these needs. This will include the need, if assessed, for any social care provision including overnight short breaks. All of this information is then shown in the EHCP.

43. It is a statutory requirement to review EHCPs annually. Appeals in relation to EHCPs are heard before an independent SEND tribunal.
44. A recent check of EHCPs for pupils attending the school has confirmed that all children have an EHCP, 14 are now over their annual review date. However, dates are scheduled for those outstanding reviews.
45. There are two ways in which a child may access overnight provision -
 - (i) on educational grounds, or
 - (ii) via a social care assessment (overnight short break provision).
46. For a child to be assessed as needing residential education provision, an Educational Psychologist assessment would have to indicate the need for a 24-hour curriculum to meet that child's educational needs. None of the children attending Maplewell Hall School and using the residential unit have been assessed as needing this.

Entitlement to overnight short break provision

47. Overnight short break provision can only be accessed via an assessment of need by the Disabled Children Service. To be eligible for such an assessment a child or young person must have a disability that has been formally diagnosed and which is permanent or long-term and meets at least one of the following criteria:
 - A severe or profound learning disability;
 - A severe or profound physical disability;
 - Significant or profound sensory disability;
 - Complex and permanent medical needs;
 - Life threatening illness;
 - Severe communication disabilities or behavioural difficulties but related to the child's disability;
 - Severe developmental delay;
 - A combination of disabilities, which individually are not severe but together cause as much stress as a very severe disability;

and

 - Be identified as a child in need or a child in need of protection.
48. Overnight short breaks would only be provided following an assessment and only to children with the most significant and profound needs, i.e. where support or care would be needed during the night.

49. As stated previously, the majority of children with severe and profound disabilities do not attend Maplewell Hall but go to Area Special Schools, none of which have any overnight residential education provision.
50. The need for overnight residential provision will be set out in a Child in Need Plan; these are reviewed twice yearly. Parents are entitled to raise objections under the Children Act complaint procedure if they consider their child is being denied entitlement to an overnight short break from social care.

Results of the Consultation

51. Consultation on the proposals commenced on 18th September for 6 weeks, closing on 29th October 2017.
52. The consultation has involved writing to a wide group of individuals having an interest in the Maplewell Hall School to seek their views. A bespoke document setting out the proposals and a questionnaire to enable consultees to provide feedback was available as hard copy at the school and on request. This information was also made available on the County Council's and school's websites.
53. To support the consultation exercise, two open meetings have been held at the school, which also provided an opportunity for parents to talk on a one-to-one basis about their child's needs. The meetings were also open to staff and residents and were attended by approximately 125 people overall. In addition there have been briefings for the local divisional member, and discussions with representatives of the school's student council, which were attended by 15 pupils.
54. The responses to the consultation have included:
 - A joint letter from the Rt Hon Nicky Morgan MP for Loughborough and Edward Argar MP for Charnwood (attached as Appendix B),
 - 252 responses to the consultation questionnaire (details of which are provided at Appendix C),
 - A petition to '*Save Maplewell Hall special needs school residential from closure*' signed by 11,592 people.
55. Respondents to the consultation survey included 63 people who identified as a parent/carer of a child attending the school, 20 members of staff, and 20 pupils at the school. Respondents also included 17 parent/carers who are considering sending their child to the school and 12 members of staff at other schools. The largest group of people (89) who responded to the survey identified as members of the public, with a further 31 responding in other roles, including as family members or friends, ex-staff, and parents of ex-pupils.
56. Analysis of the 252 written or online responses to the consultation shows:

- Very clear disagreement with the proposed closure of the residential facilities, with at least 97% of respondents strongly disagreeing or tending to disagree with the proposals;
 - The majority of respondents (86%) indicated that the proposal would have a 'very negative impact' or 'somewhat negative impact' on them, their child and/or their family. Responses from parents or carers of children attending the school or who are considering sending their children to the school show that all but one respondent indicated that the proposal would have either a 'very' or 'somewhat' negative impact. All responses from students indicate that the proposal would have either a 'very' or 'somewhat' negative impact.
57. An e-petition and paper petition, signed by 11,592 people was presented to officers of the County Council on 27 October 2017. The e-petition in particular has attracted support across the country and indeed the globe, although almost 50% of the signatories of the e-petition live in Leicestershire or Leicester. 1,771 signatories included a comment as part of signing the petition. The feedback contained in these comments broadly echoes the feedback received through the consultation survey.

Summary of concerns arising from the consultation and MPs' letter

58. The consultation feedback demonstrates a general concern, expressed in particular by members of the public, that the proposals are unfair and are taking away vital services that support the most vulnerable in society. There are four principal concerns about the proposals and their impact that are evident throughout consultation feedback (including the petition and representations from MPs):-
- 1) The value of the residential provision to improving pupil educational outcomes.
 - 2) The value the overnight stays provide as an opportunity for pupils to develop their social and independence skills and confidence.
 - 3) The value of the residential provision to improving family life for parents/carers and siblings through the respite provided.
 - 4) The expectation that the closure of the residential facility will result in higher costs for the Council, principally for transport and overnight short breaks.
59. Feedback has also referenced the Ofsted inspection of the residential provision in September 2016 which judged the residential provision to be 'outstanding' and made direct reference to the 'exceptional progress made by the young people academically, socially and emotionally because of the residential experience'. However, it is clear from the Ofsted report that the 'residential experience' referred to relates to a wider definition encompassing the afterschool activities and the overnight stays, rather than just the residential element. The proposal to remove the residential provision does not

make any judgement on the quality of the provision neither should it affect the ability of the school to continue to deliver the afterschool activities.

Reasons for Proposed Closure of Residential Facilities

60. The reasons for the proposed closure of the residential provision at Maplewell Hall are set out below -

- No pupils placed at the school, now or in recent years, have residential education provision named in their EHCP, i.e. this is not considered to be required for their needs.
- Evidence indicates that only one in three pupils at Maplewell Hall School have accessed the residential facility. This represents just 1.9% of the overall number of Leicestershire pupils (3603) having an EHCP.
- No other Local Authority Maintained Special School or Academy Special School in Leicestershire that caters for SEND pupils has a residential facility or is funded for residential provision.
- The HNB budget is a finite resource and is under significant pressure to meet increases in demand for the most vulnerable children. It therefore needs to be prioritised according to assessed need. Pupils having MLD are defined as being within an area of low SEND need. If the residential provision at Maplewell Hall is not closed then this will lead to pressures elsewhere in the HNB and in turn impact on the provision for children and young people with more significant assessed needs.
- The estimated increase in home to school transport costs for the Council arising from the proposals are expected to be low - no more than £5000 overall.

61. On consideration of the concerns expressed during the consultation, it is not considered that they represent any material change to the original reasons set out above for the proposal to close the residential provision at Maplewell Hall.

Other issues concerning Maplewell Hall Special School

Funding arrangements for residential provision

62. The consultation has served to highlight concerns regarding the funding arrangements for the residential provision including payments directly made by some parents to the school. A visit by officers from the Council's Internal Audit Service revealed the following:

- The funding given by the Council is not ring-fenced and it is for the Governing Body to take decisions in relation to how the overall budget is to be spent. Once school funding is delegated, the Governing Body

can use it in whatever appropriate provision it wishes subject to compliance with the Council's approved Scheme for Financing Schools; it does not have to spend the residential allocation on residential provision.

- The auditors have identified provisionally that not all of the £293,000 funding provided by the Council for residential facilities is needed by the school for that purpose. This is accepted by the school management team which has advised that not all of the funding provided for residential provision is being used for the intended purpose.
 - As the true cost of running the residential provision is well within the amount of Council funding, and it follows that any monies not used in the funding of residential provision have been used elsewhere within the budget for Maplewell Hall School, this has therefore helped to reduce the school's budgetary deficit.
 - At this time it is not possible to make a distinction between the cost of the residential facilities and the cost of providing the afterschool activities. The Council's Internal Audit Service is conducting further work to ascertain these costs.
 - Some parents voluntarily pay £8 per night per child towards the cost of afterschool activities and associated overnight stays. The latest charging policy is dated 2014. Whilst it is referred to on the school's website the link to the policy is not active. As well as any voluntary contributions received, the school advised that it also utilises elements of pupil premium grant for residential provision. The reasons for these additional contributions being sought have yet to be established.
 - It should be noted that the audit checks have confirmed that there has never been 100% occupancy of the residential facilities so far during the current school year. Analysis of occupancy during the last month shows that there has been between 50% and 80% use of the available beds.
63. The further audit work will better determine the actual costs of the residential provision as opposed to those relating to the cost of running the afterschool activities but the recommendations in this report are not dependent on the outcome of that process.

Fire Safety

64. Following the Grenfell Tower tragedy the Council immediately carried out a review of its eleven owned and maintained buildings that have an accommodation function including Maplewell Hall. To provide additional assurance, externally appointed specialist fire risk assessors, were commissioned to conduct an independent Fire Risk Assessment (FRA) of Maplewell Hall in order to comply with the Regulatory Reform (Fire Safety) Order 2005.

65. The FRA concluded that the accommodation function at Maplewell Hall meets existing fire safety regulations. There was an accompanying action plan to make further additional improvements, at the same time it was decided to cease using to use two of the rooms for overnight stays. The action plan works from this FRA are now nearly all complete at a cost of approximately £35,000.
66. It should be noted, however, that the assessment also made recommendations for improvement to the arrangements for waking night staff to ensure that such individuals were fully available throughout the night (to respond to emergencies). A recent inspection in the early hours of the morning by the Council's health and safety team failed to raise a response from the waking night person on duty and did not therefore confirm the effectiveness of the arrangements. Subsequently an explanation was given and discussions have taken place with the school about the improvement actions required. Further unannounced visits are planned to confirm that the agreed actions have been taken.
67. Officers will continue to monitor the FRA of Maplewell Hall and will make necessary changes in light of any revised guidance or assessment.
68. Earlier in the year the DfE confirmed a targeted capital grant to the LA of £2.1 million over three years, commencing April 2018 with the expectation that this will be used to develop additional SEND places to meet growing demand in Leicestershire. This funding is not provided for the purpose of addressing condition issues and cannot therefore be used to address fire safety or accessibility matters. In the same context it should not be used to make enhancements to existing facilities that do not add places.

Accessibility

69. The age and design of the Maplewell Hall buildings and layout of the site is such that there are significant accessibility issues which could limit the type of student that may attend the school. If residential provision were to continue at the school, in the interests of ensuring equity for all pupils who may wish to benefit from the provision, consideration should be given to the importance of access improvements, including a lift and other relevant adaptations.
70. The cost to make the buildings fully accessible, particularly to enable access to the residential areas on the first and second floors would be considerable, assuming that the building was suitable for adaptation. A decision will need to be taken at a future date as to whether this represents a good use of public funds.

Statutory Process

71. The process for the closure of a residential provision is defined by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

72. General public law principles require a period of informal/pre-consultation for a minimum of 6 weeks. This first stage consultation has now been completed and the results cited above and in Appendix C.
73. The next stage comprises the publication of a Statutory Notice and details of the full proposals, as defined by Schedule 3 of the Regulations. In brief this states that:
- a) The proposals must be published on a website.
 - b) The Local Authority must publish a notification of the proposals (including the address of the website where the proposals are published) in a local newspaper.
 - c) The publication of the proposals on the website must contain a statement setting out how copies of the proposals may be obtained, details of how a person may object or comment to the proposals, and a date by which said objections or comments must be sent.
 - d) Within one week of the publication of the proposals, there is a requirement to send a copy of the proposals and the statement about how objections may be made and how the proposals may be obtained to:
 - The governing body.
 - The parents of every registered pupil at the school.
 - Any other body or person that the proposer thinks appropriate
 - e) Within one week of receiving a request for a copy of the proposals the Local Authority must send a copy to the person requesting it.
74. The four-week representation period for further comment or objection to the proposals commences on the publication of the Statutory Notice.
75. The Local Authority is required to take a decision on the implementation of the proposals within two months of the end of the representation period.

Conclusions

76. The first stage of consultation on the proposals for removal of the residential facilities at the Maplewell Hall Special School has resulted in a significant response. Many of the responses received have emphasised the value of the residential provision to improving educational outcomes for pupils having overnight stays, this benefit is readily recognised by the Council. Nevertheless the over-riding majority of respondents make reference to the social care benefits of the residential provision, for example enabling the better development of social and independence skills for pupils, and assisting with respite care for parents.

77. The above benefits also form the key reasons put forward by local MP's to keep the residential provision open outlined in their response to the consultation (Appendix B refers).
78. Careful consideration has been given to all responses to the consultation, however they do not constitute a material change to the reasons put forward for the proposed closure. This is a position not easily reached but recognises: that there are significant funding pressures on the HNB; that the funding provided should not be used to fund children's social care needs including respite care or short breaks; and that there are no pupils placed at Maplewell Hall who are assessed as having a need for educational residential provision stated in their EHCP. No other school in the County receives funding for residential purposes including those educating children with profound and multiple difficulties.
79. There is a value attached to the afterschool activities that precede overnight stays for pupils, and it is important that these activities should continue. The audit work now in progress will help identify the true costs for this provision and help inform further discussions with the school about the continuance of these activities.
80. The consideration of the petition by the County Council in December and the subsequent the publication of the Statutory Notice early in the new year, followed by a period of representation providing the opportunity for further comment and objections to be raised, will enable further consideration to be given to the proposals. This is in keeping with the Council's constitutional and statutory responsibilities and will help inform the decision to be taken by the Cabinet in March.

Relevant Impact Assessments

Equality and Human Rights Implications

81. 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.
82. Consultation with those affected by the proposed closure of the residential provision has helped to identify where additional support might be needed to ensure continued equality of opportunity for those affected.
83. In keeping with the Public Sector Equality Duty, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not, a revised Equality and Human Rights Impact Assessment for the proposed change has been completed to help address any necessary support for pupils/parents arising from the as a consequence of the closure of the residential facility. The families of pupils that currently access the residential facilities will be offered an early help or social care assessment which will help identify their needs and how they can be met, Support could take the form of additional help within the home, play and leisure short breaks or in the most

complex situations overnight short break provision. Overnight short breaks can only be accessed via an assessment of need by the Disabled Children Service.

84. In addition the school will be encouraged to continue to develop their offer in respect of extra-curricular activities to enhance learning and development, social inclusion and independence skills.

Risk Assessment

85. The removal of the residential provision will not present any significant risk to the sustainability of the Maplewell Hall Special School.
86. Any risks to the Council arising from the proposals will be kept under review by officers within the C&FS 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.

Background Papers

Report to the Cabinet on 15th September 2017 – Proposals to consult on removal (closure) of residential facilities at Maplewell Hall Special School.

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4863&Ver=4>

Appendices

Appendix A Minutes of the Children and Families Overview and Scrutiny Committee meeting held on 13th November 2017

Appendix B Letter from the Rt Hon Nicky Morgan MP and Edward Agar MP

Appendix C Summary of results of consultation