

Cabinet 24 November 2017 – Item 4 – Removal (Closure) of Residential Facilities at Maplewell Hall Special School

Representation from Mr and Mrs Miles

Dear Sir/Madam,

I am writing in response to the report circulated to the cabinet in preparation for the meeting to be held on 24th November regarding the proposed closure of the residential facility at Maplewell Hall.

I have previously written directly to each member of the council to express my concerns but felt impelled to write once again. This is to provide further insight on this matter having read the above report which I believe is riddled with inaccuracies and is highly skewed to the clear agenda of closure regardless of the cost, both financially and personally, to everyone involved.

Let me take each point in the report in turn.

1)The removal of funding will not have an adverse impact on the afterschool activities.

The sum of money we are talking about for the provision of the residential element alone is £283,000. The residential timetable runs from 7.30pm until school starts the next day.

I would very much like to know exactly how much of that money can possibly be used for this?

This begs the question of how much money is therefore going in to the school 'pot' and being used elsewhere in the school to support vital activities. If this is the case how can you realistically say that removal of funding will not have an adverse impact on the afterschool activities. It simply does not make sense. **What about the financial impact on the rest of the school?**

2)Subject to the outcome of the audit officers will work with the school to ensure continuance of the afterschool activities.

This suggests to me that no consideration has been given to any other area of the school that may well be deprived of funding as a consequence. Any additional sums required (be it in support of afterschool provision or other areas of the school) following the removal of the £283,000 diminishes the actual saving that you are purporting to be making. In which case, it makes a nonsense out of this whole proposal. Any potential savings would be minimal compared with the impact it will have on students, their families and the wider community.

3)The online and written responses received to the first stage of consultation contained a total of 11,592 signatures, many from outside Leicestershire.

Rather stating that many were outside Leicestershire suggesting that councillors need not to worry that they will lose votes over this matter, state the facts. **How many were from within Leicestershire?**

4)" *In response to the consultation many refer to the use of facility as respite care.*"

Use of the word many is not helpful and is not statistically accurate.

May I refer you to the **Department for Education document, 'Short breaks for carers of disabled children Departmental advice for local authorities.'** I wonder how many of you have read it?

5)" *There are no pupils at Maplewell Hall who are assessed as having a need for educational residential provision in their EHCP.*"

I recognise that officers have found that this currently is the case but it does not reflect that parents and pupils understood that the residential opportunity at Maplewell Hall was simply part of the school offering, not requiring specific written detail on the plan.

I for one, wish to challenge this finding and have requested that my daughter's EHCP is amended to reflect this element of education. I feel that the officers are riding rough shod over parents' wishes and have found a loop hole that they wish to manipulate to their own advantage. I'm quite sure that other parents given the chance, or told that they could amend their EHCPs would also do so. We are not specialists in EHCP law and rely on the professionals who write reports on our children to guide us. Most of us only go through the process with one child and so do not appreciate the difficulties any omissions could pose later on.

I would implore members to familiarise themselves with the Preparing for Adulthood Programme that has been funded by the Department of Education. The main purposes of which is to improve outcomes for people with learning difficulties and disabilities. These include achieving paid employment, independent living, good health, friendships, relationships and community inclusion. Specific guidance on EHCPs states that consideration should be given to pupil aspirations, activity and provision that can support progress towards the Preparation for Adulthood outcomes and what this might mean at different ages and stages of development. For example:

"Young people have opportunities to spend time with their peers outside of school and college. They are supported to develop and maintain friendships and relationships. They can access their community and feel safe and confident."

They have created a list of things to remember to include in an EHCP and these are listed as follows:

- The outcomes will need to be personalised and focused on the young person's aspirations, supporting as independent a life as possible
- Children develop at different rates. For some young people indicators included in early childhood may continue to be outcomes they are progressing toward as they

get older. Therefore, it is important that each new age/stage continues to develop and build on the previous ones

- At review meetings, the tool can be used to support development of imaginative yet achievable ways to support progress under each outcome
- This tool should be used as part of a personalised approach and can therefore be used as a starting point to develop EHC plans across a wide range of need.
- Use creative approaches to embed activities in the curriculum and in everyday activities outside of the classroom
- Raise aspirations and expectations and encourage thinking about what the future might look like for children from an early age
- Promote a focus on outcomes that are transferable to the real world
- Local authorities should make sure they focus on the Preparation for Adulthood outcomes in EHC plan reviews and make sure related information is covered in the local offer

You will note that education for independent living including social and communication needs fits in exactly with what is being provided for pupils at the residential facility at Maplewell Hall. This is a programme funded by the Department for Education. **How can anyone possibly argue that learning independent living skills, social skills and increasing confidence (which reflects in better outcomes for students) does not constitute education? How does closing the residential facility at Maplewell Hall fit in at all with the concept of preparing our young people for adulthood which the government is promoting?**

Relevant legislation: Section 21 of the Children and Families Act 2014

9.73 Health or social care provision which educates or trains a child or young person **must** be treated as special educational provision and included in Section F of the EHC plan.

9.74 Decisions about whether health care provision or social care provision should be treated as special educational provision **must** be made on an individual basis.

9.75 Agreement should be reached between the local authority and health and social care partners about where provision will be specified in an EHC plan.

9.76 In cases where health care provision or social care provision is to be treated as special educational provision, ultimate responsibility for ensuring that the provision is made rests with the local authority (unless the child's parent has made suitable arrangements) and the child's parent or the young person will have the right to appeal to the First - tier Tribunal (SEN and Disability) where they disagree with the provision specified.

Education

9.113 High needs funding can also be used to commission services from schools and colleges, including from special schools. In practice, this will mean the funding from the local authority's high needs budget for the SEN element of a Personal Budget will vary depending on how services are commissioned locally and what

schools and colleges are expected to provide as part of the Local Offer. The child's parent or the young person should be made aware that the scope for a Personal Budget varies depending on their school preference. For example, as part of their core provision, special schools and colleges make some specialist provision available that is not normally available at mainstream schools and colleges. The particular choice of a special school, with integrated specialist provision, might reduce the scope for a Personal Budget, whereas the choice of a place in a mainstream school that does not make that particular provision could increase the opportunity for a Personal Budget.

Social Care

9.118 For children and young people under 18, local authorities are under a duty to offer direct payments (see paragraph 9.123 below) for services which the local authority may provide to children with disabilities, or their families, under section 17 of the Children Act 1989.

SEN and Disability a guide for parents

Making sure that all reviews of Education, Health and Care plans (see section in this guide on Support for children and young people with special educational needs) for young people from age 13 - 14 onwards, include a focus on preparing for adulthood.

SEND Code of Practice 2015

Children and young people with EHC plans: preparing for adulthood reviews

8.9 Local authorities must ensure that the EHC plan review at Year 9, and every review thereafter, includes a focus on preparing for adulthood. It can be helpful for EHC plan reviews before Year 9 to have this focus too. Planning must be centred around the individual and explore the child or young person's aspirations and abilities, what they want to be able to do when they leave post-16 education or training and the support they need to achieve their ambition. Local authorities should ensure that children and young people have the support they need (for example, advocates) to participate fully in this planning and make decisions. Transition planning must be built into the revised EHC plan and should result in clear outcomes being agreed that are ambitious and stretching and which will prepare young people for adulthood.

8.10 Preparing for adulthood planning in the review of the EHC plan should include:

- support to prepare for higher education and/or employment. This should include identifying appropriate post-16 pathways that will lead to these outcomes. Training options such as supported internships, apprenticeships and traineeships should be discussed, or support for setting up your own business.

The review should also cover support in finding a job, and learning how to do a job (for example, through work experience opportunities or the use of job coaches) and help in understanding any welfare benefits that might be available when in work

- support to prepare for independent living, including exploring what decisions young people want to take for themselves and planning their role in decision making as they become older. This should also include discussing where the child or young person wants to live in the future, who they want to live with and what support they will need. Local housing options, support in finding accommodation, housing benefits and social care support should be explained
- support in maintaining good health in adult life, including effective planning with health services of the transition from specialist paediatric services to adult health care. Helping children and young people understand which health professionals will work with them as adults, ensuring those professionals understand the young person's learning difficulties or disabilities and planning well-supported transitions is vital to ensure young people are as healthy as possible in adult life
- support in participating in society, including understanding mobility and transport support, and how to find out about social and community activities, and opportunities for engagement in local decision-making. This also includes support in developing and maintaining friendships and relationships

It is essential for children and young people with additional needs to have opportunities for developing independence and friendships, as these are the 'ingredients' for a good life, with better well-being outcomes and greater likelihood of employment in adulthood- as, if you can participate in a team and have skills to work, then a greater likelihood of employment can occur. Only 5.8% of adults with learning difficulties are in employment, according to the National Audit Office (2015 figure). The Code describes 'Preparing for Adulthood from the earliest years' in chapter 8, as to live fulfilling lives, we need to prepare in a systematic way, our children and young people, at an earlier stage than in the past.

There absolutely is the need for the residential element for students at Maplewell Hall and it is a gross misrepresentation to state otherwise. If it currently is the case that none of the students have residential included in their EHCPs then as a council perhaps you should be asking why not? If you are serious about implementing this preparation for adulthood programme then surely all of the professionals you employ should be ensuring all EHCPs adhere to these principles.

6) *"Councils high needs budget should not be used for respite care or short breaks."*

After seeking advice, I have been informed that councils have a legal obligation to provide short breaks for children in need and these children include those with special educational needs. Further to this the council should be able to provide the criteria required for students to be eligible for this. **Please can you provide clarification?**

Under section 17 of the Children Act 1989, a child in need will be considered in need if:

- They are unlikely to achieve or maintain a reasonable standard of health or development without provision of services from the local authority

- Their health or development is likely to be significantly impaired, or further impaired without the provision of services from the local authority
- They have a disability
- **Children in need may be children with SEND**

7) *"Closure of the facility will allow savings to be made and be directed to other areas."*

Young people are entitled to be educated in a way that prepares them for adulthood and as such would lose out should the facility close. Parents would be entitled to request that this was taken into account in their child's EHCP and the opportunity for residential education and also short breaks and respite care provided elsewhere would need to be taken into account when calculating any savings to be made. This must be done on an individual basis. It is simply unacceptable to say that all EHCPs have been reviewed and this is not deemed necessary. When an EHCP is reviewed it is a legal right that parents and students must be involved.

There needs to be rigorous, joined up calculations across multiple departments that take account of all of the different streams of potential costs that could be incurred as a result of this proposal. I cannot see that there is a genuine attempt at this. **Have you considered all of the long term additional costs if students don't learn the skills they need to know for adulthood?**

7) *"No other school in the county has been provided with funding being used for a residential element."*

The residential facility at Maplewell Hall currently works extremely well for all who use it. Once accurate costings for it have been established, I would be very surprised if any proposals to cover the loss of education and social care requirements would come in at anywhere near the cost effectiveness of the facility in question. Only a fraction of the £283000 you wish to save is currently spent on the residential facility even by performing the most generous calculations. So, presumably most of the saving will come from elsewhere in the school. **If this is correct, all possible alternative means of keeping the facility open surely must be on the table? If not why not?**

My understanding is that students are chosen specifically by personality and education requirement when they attend the residential facility on any particular night. This maximises the experience of those young people and in turn maximises the efficiency of the facility for potential student outcomes on their journey into adulthood. Members really ought to take this into consideration as I believe it genuinely is an unbelievably cost-effective way of spending precious funding. It is a win-win situation for both students and council.

It was identified in the officers' report that any additional transport costs would be no more than £5000. Interestingly I was offered earlier on in the year the sum of £3000 from the council to make my own arrangements to take my daughter to school and back. I did not take up the offer however, this was for one child making approximately 80 trips so I do not

follow the logic on the projected additional transport costs. In addition, students live all around the county and so multiple buses or taxis would be required every day.

The fact that no other school in the county provides a residential facility could be seen as something that possibly could be considered in the future. However, I presume that it is currently the case because of a lack of facilities at these schools which prevents this from being a realistic option. Also, the increased medical and nursing care required for the students at the other schools in the county would need to be considered along with specialist equipment and appropriately trained staff which is not needed for the students at Maplewell. The residential facility at Maplewell Hall is as near to a normalised environment that you could hope to achieve and of course it has the added benefit that the students are in familiar surroundings and with people they are familiar with.

There is a comment in the report that the High needs budget should be reserved for those of the highest need. As a parent, I know from personal experience the increased array of difficulties that are present when you have a child with special educational needs but it is simply unfair to say that funds should be spent on those with the greatest need. The students at Maplewell Hall have needs too. They aren't able to cope for whatever reason with a main stream education and do not get the usual opportunities in life that typically developing children do. But their difficulties do not require them to attend a school which caters for the most severe disabilities and behaviour issues. So, they fall into this middle area. But their development does matter. As a council, it is a false economy to ignore the educational opportunities the residential facility offers. You are wasting the chance to teach skills to these students in a cost-effective way that will mean that they hopefully will not require so much assistance later in life. Assistance that will most probably will fall on the council to provide incurring costs that will go on. **How much will that cost?**

8) *"Significant financial pressures."*

There may be significant financial pressures but it is the council who decides where money is spent and where any savings could be made. **Out of interest have you compared the cost to the council of funding a place for a student at an independent special school?**

The amount of money that the council wish to save is £1 million. This amounts to 1.6% of the total High Needs Budget. The proposed £283000 saving would mean that Maplewell Hall would be accounting for 28% of the total savings required. This disproportionately hurts our school. A 1.6% cut across the whole county would be a much fairer way of making the £1million saving. This would allow for the opportunity of being able to consider as a school how the facility could be managed in a more cost-effective way rather than lose it entirely.

9) *"Officers within CF&S have re-reviewed all children currently attending the 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."*

Any review of an EHCP must involve the input of parents and the student involved and cannot simply be re-reviewed by officers within CF&S. I believe that the level of additional

support has been seriously underestimated should this facility close. Those students who have been able to access the residential facility will lose out greatly all students would need this to be addressed appropriately in the EHCPs. It is quite wrong to assume this can just be overlooked.

All the arguments that have been presented by myself and others have surely demonstrated the huge educational benefit to students and their families that the residential facility provides. I have suggested an alternative way you could save the money you require and ask that even if you remove the sum of £283,000 from the school that we be granted the opportunity to seek funding from elsewhere, if necessary, to ensure that the facility remains open. Would this be an option? If not why not?

Having attending both meetings at the school and the scrutiny committee meeting at the council building it comes across that you do not wish to close the facility simply on financial grounds. I feel in my heart that you made your decision long before it was even mentioned to us and the officers' reports have been so skewed to your agenda that I can hardly believe it. As elected members, you have a duty to be open and honest about this as the arguments and support we have for keeping it open are unequivocal.

Most parents who have a child with special educational needs have an uphill struggle right from the start and this residential facility means so much to us but so little to you. It is not simply a sleep over it is a vital part of education for our children which repeatedly receives outstanding reports from OFSTED. To not even give us the chance to try and raise the money ourselves to fund the facility is absolutely abhorrent to me and utterly heartless. In a nutshell, what you are trying to do here is simply wrong and should sit very uneasily with you.

I trust you will give careful consideration to this letter.

Yours Faithfully

Mrs Pamela Miles and Mr Robert Miles

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