

Open Report on behalf of Peter Duxbury, Executive Director Adults and Children's

Report to:	Mrs P A Bradwell, Executive Councillor for Children's Services and Adult Learning
Date:	23 January 2012
Subject:	Proposal to close residential provision at St Lawrence School, Horncastle
Decision Reference:	01971
Key decision?	No

Summary:

The proposal under consideration is to close the residential provision at St Lawrence School in Horncastle from April 2013. St Lawrence School is a special school catering for pupils aged 5-16 with a variety of learning difficulties and/or disabilities. St Lawrence currently has 135 pupils on roll. The school has the capacity to offer twenty residential placements during weekdays in term time. At the present time there are 8 key stage 4 pupils with residential statements, additional pupils access residential opportunities at the discretion of the school as a part of an extended offer made in accordance with perceived needs.

All pupils attending the school have statements of special educational needs because of learning difficulties; these include speech and/or language difficulties, autism, challenging behaviour and visual impairment in addition to more general learning difficulties. Almost all the pupils are from white British backgrounds and all have English as their first language and two thirds of the pupils are boys. A higher than average proportion of the pupils are known to be eligible for free school meals.

This proposal is part of a wider review and reorganisation of special school and mainstream unit provision in Lincolnshire (Appendix A) which seeks to improve access to appropriate provision in each of the seven localities. The Council considers that the proposals contained in this report are in the best interests of children and young people with learning difficulties in Lincolnshire.

The statutory process necessary to make the prescribed alteration to implement the proposal must meet the requirements of the Education and Inspections Act 2006 and follow the guidance from the Department for Education (DfE) (a copy of the relevant guide is attached as Appendix B) This report advises the Executive Councillor on making a decision regarding the publication of the Statutory Notice, as required by law, to propose the closure of the residential provision at St Lawrence School with provision continuing at St Francis School, Lincoln and St Bernard's School, Louth for children and young people with

particularly complex needs. If the Executive Councillor gives approval to the publication of the Statutory Notice there will follow a further six weeks representation period giving another opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken by the Executive Councillor later this year.

Recommendation(s):

Following completion of the consultation period, the first phase of the statutory process, the Executive Councillor is recommended to take the next step of publishing a Statutory Notice and continuing the statutory process to the next stage. This notice will confirm the proposal to close the residential provision at St Lawrence School, Horncastle with effect from April 2013.

Alternatives Considered:

1. That the Statutory Notice is not published and the consultation is stopped. This would mean that the residential provision at St Lawrence would continue to be available at St Lawrence School beyond April 2013.

Reasons for Recommendation:

- A significant decline in recent years in the number of children and young people in Lincolnshire who require residential provision as a requirement of their statement of special educational needs. This has resulted in similar provision in the south of the county (The Priory School, Spalding) being closed some years ago.
- The impact of this decline in Horncastle and the surrounding area is that the residential provision at St Lawrence will be surplus to requirements as there will be no pupils requiring residence (as identified in their statement of additional needs) attending the school from April 2013.
- The move to integrated working in the localities means that the needs of individual children and young people can be met more effectively in their communities.
- The cost of maintaining this provision is disproportionately high, reflective of that charged by out of county placements. The needs of the pupils attending St Lawrence School are such that they can be met within county by travelling daily.
- This will address an equality issue where pupils with similar needs attending a special school elsewhere in the authority cannot access residential opportunities at the discretion of the school.

1. Background

Currently there are three special schools in Lincolnshire offering residential provision to their pupils. These are:

- St Lawrence School – Moderate Learning Difficulties

- St Francis School – Physical and Medical Difficulties
- St Bernard's School – Severe Learning Difficulties and Profound and Multiple Learning Difficulties

The number of pupils requiring residential provision as a requirement of their Statement of Special Educational Needs (Statement) is relatively small. St Lawrence has eight pupils with residential statements, St Francis and St Bernard's both have five. The demand for residential provision has fallen in recent years and continues to decline. There has been a shift of focus to this provision being provided for educational reasons and not care and respite. This coupled with improved transport, the move to more generic special schools serving each area of the county and improved support via integrated team working means that residential provision for children and young people with less complex needs is no longer appropriate. St Bernard's School, Louth in addition to offering residential provision to a small number of pupils with very complex needs (who would otherwise have to attend schools outside of the county) also offers a programme of respite care and support during weekends and holiday periods. This (respite care) is commissioned and funded by Social Care and Health and is accessed by both pupils at the school and other children and young people identified by other funding agencies.

St Francis School, Lincoln in addition to offering residential provision to a small number of pupils with very complex needs (who would otherwise have to attend schools outside of the county), also offers residential opportunities at Key Stage 4 to enhance learning around independence training and to offer more bespoke medical care that that available within the communities.

2. Conclusion

A decision is required from the Executive Councillor to determine whether to proceed with the next stage of the statutory process of the proposal to close the residential provision at St Lawrence School, Horncastle effective from 1 April 2013. The factors to consider when making this decision are within this report and all responses received during the consultation must be considered. The LA believes this proposal to be in the interests of children and young people with learning difficulties in Lincolnshire.

There is a need to retain limited residential provision in Lincolnshire special schools to

- a) reduce the need for out of county placements
- b) to enable pupils to have their needs met in the County if not their community
- c) to have flexibility in the use of residential placement to ensure that children and young people are not institutionalised as an out come of long term placement out of the county
- d) to reduce pressure on integrated services and other providers to respond to the complexity of need of the individual in the home/community

This applies to St Francis School and St Bernard's School where alternative out of county provision would be prohibitively expensive and of variable quality. It does

not apply to St Lawrence School where there is no justification for residential placement for children and young people with more moderate learning difficulties, as evidenced by there being no statements issued for a residential placement for a number of years. There is also an equality issue in that pupils with similar needs attending special schools elsewhere in the County do not have the same opportunity to access a 24 hour curriculum.

3. Legal Comments:

The legal background and considerations to be taken into account in the making of this decision are set out in the report. The decision is within the remit of the Executive councillor.

4. Resource Comments:

The residential provision at St.Lawrence school is funded by the Dedicated Schools Grant (DSG). The DSG is a ring-fenced grant that is used primarily to finance individual school budgets across the county, as well as a small number of centrally held budgets including those relating to special educational needs and early years provision. The use of the DSG is restricted by DfE' regulations. Should the decision at the end of this process be to close the residential provision at Horncastle St.Lawrence, those funds will have to be used for one or more purposes set out within those regulations.

5. Consultation

The statutory consultation process on the expansion proposal commenced on 17th October 2011 with the approval of the Executive Councillor. The statutory guidelines for the process are detailed in the guide "Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals)" (Appendix B) published by the DfE. Under these guidelines, the LA must ensure that sufficient time and information are provided for people to understand and form a view on the proposal and make a response. The consultation document must set out the problem that is being addressed and invite comment on one or more solutions. The LA must explain the decision making process and take all reasonable steps to draw the consultation to the attention of all those who might be interested and take into account their views. The Education Act 2002 states the requirement for current pupils to be consulted and this was further extended by subsequent legislation to also include all pre-school children over the age of 3. The Education & Inspections Act 2006 specifically includes as interested parties the registered parents of registered pupils at the school and also the appropriate District and Parish Councils for the area.

A letter incorporating relevant information and reasons for the proposal, (copy attached as Appendix C) was sent out to interested parties (Appendix D) on 17th October 2011 to commence a seven week period of consultation. The list of interested parties was compiled according to statutory guidelines incorporating as wide a range of consultees as practicable and included the Parish Clerk of the relevant Parish Councils and the Chief Executive of the District Council as well as individual councillors as appropriate. There was the opportunity to provide a response to the consultation by 2nd December 2011 either by letter, email or by returning the response form (Appendix E) which was also attached to the letter of 17th October. A copy of the consultation letter and response form were published on the website www.lincolnshire.gov.uk/provisionplanning.

All written responses received during the consultation have been provided to the Executive Councillor for consideration and are also listed in this report (Appendix F) A brief summary of the responses is as follows.

- There has been a total of 20 valid responses to the consultation.

Respondent Type	Total	For	Against	Neither
Parent/Carer	8	1	6	1
Teacher/School Staff	6	1	3	2
Parish/Town Council	4	2	0	2
Other Interested Party	1	1	0	0
Other School	1	0	0	1
Totals	20	5	9	6

- Parents and carers provided the most responses (8). These show a clear majority (6) against the proposal with most expressing the view that the residential provision provides a valuable service for the children and young people that access the service.
- Teachers and staff at the school provided the next most responses (6). There is no clear majority in favour or against the proposed closure although there was a consensus that the residential provision is an excellent and valued resource which provides a valuable service to the children and young people who use it.
- Four Parish and Town Councils responded with two supporting the proposal and two not having a view either way.
- One other interested party responded in support of the proposal stating that offering residential provision to pupils with less complex learning difficulties has no educational basis.
- One other school responded stating that it did not have a view either way. (Summary attached as Appendix F)

The LA will give full consideration to concerns expressed if the proposal goes ahead

The Headteacher at the school has consulted with their current pupils by explaining how the proposed expansion may affect them. In order that the children will have every opportunity to understand the implications of this proposal it has been

discussed both in school assemblies and in smaller informal groups (A summary of pupil responses is attached as Appendix G)

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Policy Proofing Actions Required

An Equality Impact Assessment (EIA) has been completed and a copy is attached to this report as Appendix H.

Apart from its obligations to consider the statutory guidance referred to the Council has obligations under the Equality Act 2010 which must be taken into account by the Executive when coming to a decision.

The Council must, in the exercise of its functions, have due regard to the need to:

(1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: s 149(7).

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

Disability is a protected characteristic and the Council must therefore have due regard to its obligation to take steps to meet the needs of disabled persons. Under The Equality Act the "due regard" obligation must be balanced against the Council's obligation to provide appropriate standards of education."

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Review of Special School and Mainstream Unit Provision
Appendix B	DfE Guide "Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals)"
Appendix C	Letter and consultation document to commence the consultation process
Appendix D	List of Interested Parties
Appendix E	Consultation response form
Appendix F	Summary of Written Responses
Appendix G	Summary of pupil responses
Appendix H	Equality Impact Assessment Form

7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Report for DMT - Review of Residential Provision in Lincolnshire Special Schools	contact adrian.clarke@lincolnshire.gov.uk

This report was written by Paul Holmes, who can be contacted on 01522 553366 or paul.holmes@lincolnshire.gov.uk