

Open Report on behalf of Debbie Barnes, Director of Children's Services

Report to:	Mrs P A Bradwell, Executive Councillor for Children's Services and Lifelong Learning
Date:	15 May 2012
Subject:	Proposal to close residential provision at St Lawrence School, Horncastle
Decision Reference:	01972
Key decision?	Yes

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 more complex 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 their more complex learning difficulties and/or disabilities. 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 is 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 (EIA 2006) as updated by the Education Act 2011 (EA 2011) 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 the final decision regarding 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 for whom a residential placement is required if their needs are to be successfully met within the county.

Recommendation(s):

Following completion of the representation period, the Executive Councillor is recommended to take the final decision to close the residential provision at St Lawrence School, Horncastle with effect from April 2013.

Alternatives Considered:

1. That the proposal is not approved. This would mean that the residential provision at St Lawrence would continue to be available at St Lawrence School beyond April 2013.

The above alternative would have the following disadvantages

- It would result in there being excessive surplus residential capacity within Lincolnshire.
- The cost of maintaining the provision is disproportionately high.
- An inequality that exists within Lincolnshire which means that pupils at St Lawrence School have access to residential provision not available to pupils with similar needs elsewhere in the County would continue.

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 through day provision.
- 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 (four of whom leave the school in June 2012 and the remainder in June 2013), 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 than that available within the communities.

Factors to be considered by Decision Makers

In reaching a decision the Executive Councillor must have regard to Statutory Guidance issued by the Secretary of State as detailed in the attached guide in Appendix B and referred to in the following paragraphs.

A System Shaped by Parents

The Government’s aim is to create a schools system shaped by parents which delivers excellence and equity by implementing a dynamic system in which schools that need to close are closed quickly and replaced by new ones where necessary and the best schools are able to expand and spread their ethos and success. The LA believes that the current proposal addresses an inequity issue and is the best and preferred option to meet these criteria.

The Executive Councillor must take into account the extent to which the proposal is consistent with the LA’s duty to respond to representations from parents about provision of schools. Eight of the twenty responses to the consultation were from parents. Of these, one was for the proposal, six were against and one neither for nor against. Most of the responses against the proposal concerned the quality and value of the provision accessed by the children. However, by June 2013 it is

projected that there will be no learners attending the school who will be entitled to residential provision as part of their statements of special educational need. Other learners accessing the provision on a discretionary basis do so on an inequitable basis as this same provision is not available to learners elsewhere who have similar needs.

Standards

The Executive Councillor should be satisfied that the proposal will contribute to raising local standards of provision. The LA believes concentrating resources and specialist staff at the remaining two sites with residential provision will meet this criterion.

Diversity

The decision maker should be satisfied that that if proposals relating to provision for learners with special educational needs means learners being displaced that alternative provision meets the statutory SEN improvement test. As it is projected that there will be no learners at the school who will be entitled to residential provision as a requirement of their statement of special educational need, there will be no learners displaced by this proposal.

The Executive Councillor should consider how proposals will contribute to local diversity including the range of schools in the relevant area and whether the alteration to the school will meet the aspirations of parents and help raise local standards and narrow attainment gaps. The LA believes that this proposal will have no negative impact on local diversity of provision.

Every Child Achieving their Potential

The Executive Councillor should consider how the proposal will help every child and young person achieve their potential. This should include considering how pupils will continue to have access to extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for young children with particular needs.

It is the intention of this proposal that additional support should be accessed in the individual young person's community or through an extended day offered by the school as is the case for children and young people with similar needs attending special schools elsewhere in the county. Provision for children with a residential requirement in their statements of special educational need will be maintained and funded at two remaining sites or through an out of county placement.

Boarding Provision

When making a decision on proposals to remove boarding provision, the Decision Maker should consider whether there is a state maintained boarding school within one hours travelling distance from the school. The Decision maker should also

consider whether there are satisfactory alternative boarding arrangements for those currently at the school and those who may need boarding places in the foreseeable future. It is projected that there will be no pupils with a requirement for residential provision in their statements of educational need at the school. Any learners identified as requiring residential provision in the foreseeable future will have their needs met at two remaining sites located within one hour of St Lawrence School.

Equal Opportunities Issues

The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed. As by June 2013 it is projected that there will be no learners attending the school who will be entitled to residential provision as part of their statements of special educational need, there will be no discrimination issues relating to this proposal.

Surplus Places

It is important that education is provided as cost-effectively as possible. Empty places can represent a poor use of resources - resources that can often be used more effectively to support schools in raising standards. By June 2013 it is projected that there will be no learners attending the school who will be entitled to residential provision as part of their statements of special educational need. There will continue to be sufficient funded boarding provision to meet projected future demand at two sites within Lincolnshire.

Travel and Accessibility

In considering proposals for the reorganisation of schools, the Decision Maker should be satisfied that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, and the proposed changes should not adversely impact on disadvantaged groups. Also in deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs. By June 2013 it is projected that there will be no learners attending the school who will be entitled to residential provision as part of their statements of special educational need. There will be two remaining sites providing residential provision that will continue to receive funding to maintain a number of places commensurate with the needs of the local authority. Pupils in Lincolnshire with residential requirements in their statements will receive home to school transport.

Special Educational Needs Provision

The Executive Councillor should take account of the following in relation to proposals for change affecting special educational needs provision:

- a. improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LAs Accessibility Strategy;

- b. improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
- c. improved access to suitable accommodation; and
- d. improved supply of suitable places.

The LA believes that this proposal (as part of the wider review and reorganisation of special school and mainstream unit provision in Lincolnshire (Appendix A)) will lead to improvements in the standard, quality and range of provision for children with special educational needs as detailed in this report and the County Council's Strategy for Special School and Mainstream Unit provision which seeks to ensure improved opportunities, provision, resources and effective teaching and learning through its successful implementation, of which this proposal is a part.

Views of Interested Parties

The Executive Councillor should consider the views of all those affected by the proposals or who have an interest in them. This includes statutory objections and comments submitted during both the consultation phase and the Representation Period. The Executive Councillor should not simply take account of the numbers of people expressing a particular view when considering responses made. Instead the Executive Councillor should give the greatest weight to representations from those stakeholders most likely to be directly affected by the proposals. All responses, especially from the direct stakeholders, must be considered by the Executive Councillor in relation to this proposal prior to the decision being taken. All responses to the consultation period and have been received and made available to the Executive Councillor (and are summarised in appendix F) and are also referred to later in the Consultation section of this report. Two further responses have been received during the representation period. These responses have been made available to the Executive Councillor (and are summarised in appendix K)

2. Conclusion

A decision is required from the Executive Councillor to determine whether to approve 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 stage and the Representation Period must be considered. The LA believes this proposal to be in the interests of children and young people with learning difficulties and disabilities 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 outcome 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 residential opportunities to support their learning and care needs.

3. Legal Comments:

The legal issues to be taken into account in the making of this decision, which is within the remit of the Executive Councillor, are set out fully in the report.

4. Resource Comments:

The recommendation in this report will remove surplus residential capacity and high cost placements and, in so doing, ensure that the resources available through the Dedicated Schools Grant are used more effectively.

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)

Following the completion of the consultation period on 2 December 2011 all feedback was considered with the full report (which will also be reconsidered along

with this report) by the Executive Councillor and a decision was taken on 23 January 2012 to publish a Statutory Notice on the proposed expansion of the school. A statutory six week representation was entered into on 15 February 2012 commencing with the publication of the Statutory Notice (Appendix I) in the local press, at the school gates and within the local community. The Complete Proposal (Appendix J) available in paper and electronic format, to which the Statutory Notice refers, was sent to interested parties as detailed in the statutory guidance and was also published on the website www.lincolnshire.gov.uk/provisionplanning. Two responses were received during the representation period. Both were from members of staff and oppose the proposal on the grounds that the residential provision is good quality and learners gain substantial benefit. Both also highlight that the majority of responses to the consultation were against the proposal and question why the proposal proceeded to statutory notice.

Based on this report and the responses received during the consultation period and the Representation Period which have been seen in full by the Executive Councillor and summarised in Appendices F and K, a decision from the Executive Councillor is required to determine whether to discontinue residential provision at St Lawrence School, Horncastle with an implementation date of April 2013. If a decision is not made within 2 months of the end of the representation period, then the proposal and representations must be forwarded to the schools adjudicator for a decision.

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The Children and Young People Scrutiny Committee met on 20 April 2012 and considered a report concerning a Proposal to Close Residential Provision at St Lawrence School, Horncastle. The Committee did support the recommendation contained within the report.

In addition, the Committee has made the following comments;

- The Committee commented on the overwhelming positive comments from young people about their experiences and questioned how this would be replicated. It was noted that only a small number of pupils had benefitted from the activities and life skills provided. It was highlighted that any special school focussed on complex needs would provide these activities and life skills, and it would be for the school to determine what alternative provision will be provided based on its students' individual needs.
- It was queried whether the proposal met the legal requirements. It was reported that it did meet the legal requirements.
- The Committee asked whether there were other placements available for young people with residential statements. It was noted that there were residential placements available in Lincolnshire, along with specialist out of

county placements.

It was noted that the residential provision was not being closed for financial reasons, but due to underuse. Approximately £320,000 of revenue would be saved each year and would be retained in the central special school budget share to support the cost of new provision to be developed elsewhere in the county. The committee supported the proposal that, subject to funding being made available through the capital programme, the residential facility should be converted to improve the teaching accommodation at the school, so enabling it to better meet the needs of children and young people with more complex needs. The Committee noted the additional funding being made available to the Local Authority in respect of basic need, which may give the Local Authority additional flexibility in its capital budget to improve accommodation at the school, but that no definite commitment could be made. A review of the current capital programme in respect of the proposal for the residential provision is in progress.

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." The matters set out on pages 5 and 6 of this report under "Equal Opportunity Issues" and "Special Educational Needs Provision" will assist the Executive Councillor in this regard.

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 in the consultation period
Appendix G	Summary of pupil responses
Appendix H	Equality Impact Assessment Form
Appendix I	Statutory Notice
Appendix J	Complete Proposal
Appendix K	Summary of written representations

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
Executive Decision Notice 01971 - The Decision to go to Statutory Notice	Lincolnshire County Council Committee Records (Reference Executive Councillor Decision 01971 - 23 January 2012

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