

Open Report on behalf of Andy Breckon, Assistant Director of Children's Services

Report to:	Mrs P A Bradwell, Executive Councillor for Children's Services including Post 16 Education
Date:	30 August 2011
Subject:	Proposal to review Special School Provision in Lincoln including the closure of Queen's Park School
Decision Reference:	01907
Key decision?	No

Summary:

The proposal under consideration is to close Queen's Park School with effect from 31 August 2013. The closure of this school is part of a wider review and reorganisation of special educational needs in Lincoln which would also involve investment to further improve the specialist facilities and expand the capacity of St Francis School (by a small number) and St Christopher's School (by a larger number which requires statutory consultation) with effect from September 2012. The closure will only proceed if the expansion proposals go ahead as the additional places will be required to facilitate the closure and ensure overall improvement in special school provision and so comply with the Department for Education (DfE) improvement test. In addition to the expansion at St Francis School and St Christopher's School there will also be further supported mainstream places available with the opening of Designated Specialist units (DSUs). (The expansion at St Francis School and the opening of the DSUs do not require statutory consultation). This provision will cater for children and young people with less complex needs at the Priory Witham Academy (primary) and the Priory City of Lincoln Academy (secondary). The proposals are outlined in more detail later in this report.

There are 3 elements of the proposal which require statutory consultation and these are detailed below. They are related and one cannot go ahead without the others:-

- (a) to close Queen's Park School with effect from 31 August 2013
- (b) to expand St Christopher's School with effect from 1 September 2013
- (c) to amend the age range at St Christopher's School to 3 – 19 years with effect from 1 September 2013

This report forms part of a wider review of Special School and Mainstream Unit Provision throughout Lincolnshire (See report in Appendix A). The Council considers that the proposals put forward in this report are in the best interests of

children and young people with more complex learning difficulties within Lincoln.

The proposals presented in this report have been developed by the three Headteachers of the schools concerned to ensure that the special needs of children in the area can be met now and in the future. However, the Local Authority (LA) fully supports the proposals, as being in the best interests of the children and young people, and is prepared to commit funding to enlarge and improve two special schools to facilitate the proposals.

A report was submitted to the Children & Young People Scrutiny Committee on 13 May 2011 and after discussion the committee gave their full support to take the proposals to public consultation. This was subsequently confirmed by the approval of the Executive to commence the consultation process following the submission of a report at the Executive meeting on 7 June 2011. The process is being carried out by the LA and commenced with a 7 week period of consultation which closed on 27 July 2011 and is further referred to in the Consultation section of this report. A summary of responses is also attached as an Appendix to this report (Appendix B).

This report advises the Executive Councillor on making a decision regarding the publication of a Statutory Notice, as required by law, to propose the related proposals of expansion and amended age range at St Christopher's school and the closure of Queen's Park School. If the Executive Councillor gives approval to the publication of a Statutory Notice there will follow a further 6 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 later this year.

Recommendation(s):

Following the 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. This notice will confirm the 3 related proposals as follows:-

- (a) to close Queen's Park School with effect from 31 August 2013
- (b) to expand St Christopher's School with effect from 1 September 2013
- (c) to amend the age range at St Christopher's School to 3 – 19 years with effect from 1 September

Alternatives Considered:

1. That the Statutory Notice is not published and the consultation process is stopped. This would mean that Queen's Park School would remain open in its existing condition and the pupils currently on roll there would continue

their education there with no investment at Queen's Park, St Francis or St Christopher's Schools.

However this would have the following disadvantages:-

- This would not address the issues of the unsuitability and condition of the buildings at Queen's Park School
- This would limit opportunities available to the pupils at Queen's Park School given the lack of specialist teaching areas and limited space in teaching areas .
- This is likely to lead to an inability to fully meet the physical, medical, sensory, emotional and behavioural needs of the pupils at Queen's Park School

2. That the Statutory Notice is not published and the consultation process is stopped with Queen's Park School remaining open and the pupils currently on roll there continuing their education there but with investment in the buildings to improve the condition and suitability and no investment at St Francis or St Christopher's Schools.

However, further development of Queen's Park site has already been considered but has had to be rejected due to the lack of space on the site, the condition of the existing building stock and the fact that this would not be cost effective nor an efficient use of public funding. This public funding would be subject to DfE approval as it is significantly greater than currently allocated by the County Council. The Queen's Park site is no longer fit for purpose, nor is it suitable for development. The adjoining land is common land and so not available for building. Also any changes at Queen's Park would require the pupils to move twice.

3. That the Statutory Notice is published regarding the closure of Queen's Park School with the use of another potential site such as those previously used for The Usher Junior School, Moorland Infants school or Lowfields School as a replacement rather than the expansion at St Francis School and St Christopher's School.

However, the options to reconfigure these sites have been considered and have had to be rejected on the basis of the suitability and location of the buildings and the cost required to redevelop the sites. These would also not fulfil the strategic aim of developing sustainable provision within Lincoln or the move towards area based generic special schools as identified in the recently published review.

4. That the Statutory Notice is published regarding the closure of Queen's Park School with the use of the two new DSUs to accommodate all the pupils who currently attend Queen's Park School rather than the expansion at St Francis School and St Christopher's School.

However, the inclusive nature of the DSU provision is such that it was felt that the needs of the Queen's Park children and young people could not be successfully met in such an environment.

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Reasons for Recommendation:

The LA believes that this proposal will lead to improvements in the standard, quality and range of provision for children with special educational needs for the following reasons:

1. It will enable children and young people who currently attend Queen's Park School to access provision that is able to accommodate their physical, medical, sensory emotional and behavioural needs both now and in the future. This is currently not the case as the accommodation at Queen's Park School is increasingly not fit for purpose and access to specialist support is limited. The LA and the governors of Queen's Park School have worked closely over a number of years to try to address the deficiencies in the school building. These deficiencies are in part as a result of children and young people being admitted to the school with increasingly complex needs, requiring specialist equipment, facilities and resources to access the curriculum and to have their needs effectively managed. The proposal will fully reflect the LA's Accessibility Strategy.
2. It will provide the children and young people from Queen's Park School with access to specialist facilities to support their learning through the provision of specialist teaching areas and access to equipment and resources necessary to ensure that their individual needs, as described on their Statement of Special Educational Needs and subsequent annual reviews, can be met effectively.
3. It will ensure the necessary expertise and experience required to meet the needs of children and young people who transfer to St Christopher's and St Francis Schools through the appointment of Queen's Park School staff to St Christopher's and St Francis Schools. This transfer of the skills, knowledge and expertise of the Queen's Park staff will aid a smooth and well managed transition. This will be further enhanced by a comprehensive programme of staff development to be introduced in advance of the transfer of children and young people.
4. It will provide the children and young people from Queen's Park School with a range of enhanced opportunities beyond the classroom as a result of improved accommodation, access to a wider range of resources, established school based after-school programmes and a larger staff team.
5. It will enable the children and young people to have improved access to specialist support offered through other agencies on the St Francis and St Christopher's School sites including access to full time nursing care on the St Francis site during the school day for those children and young people with complex physical and medical needs. Access to specialist support will be enhanced by the provision being offered on two school sites rather than three,

with appropriate specialist facilities being available with regards to physical, medical and sensory needs.

6. It will make readily available to the pupils from Queen's Park School, who will transfer to the respective sites, the expertise provided by St Christopher's and St Francis Schools to support children and young people with special educational needs in accessing mainstream provision and or opportunities.

7. It will ensure that there is a sufficiency of special school places to meet the needs of the city and the surrounding communities for both immediate and future needs. This, coupled with St Christopher's and St Francis Schools accommodating a wider range of need, will result in more children and young people having a reduced travel time on a daily basis.

8. It will provide over time supported mainstream opportunities for some children and young people who would otherwise have been referred to either St Christopher's or St Francis Schools by the opening of the DSUs. This DSU provision will cater for children and young people with less complex needs at the Priory Witham Academy (primary) and the Priory City of Lincoln Academy (secondary). The development of the two DSUs will increase opportunities for more inclusive practice in the city and will provide a wider range of choice to parents of children who require more specialist educational provision. It is anticipated that the number of pupils attending the two special schools will drop in the longer term as a result of this inclusive practice. This will ensure that the accommodation and resources at the two special schools will be sufficient for the foreseeable future and will in turn provide opportunities for the LA to further reduce the reliance on out of county provision for some children and young people.

9. It will enable the process to continue to the next stage and allow a further opportunity for people and organisations to express their views about the proposals and ensure that they will be taken into account by the Executive prior to a final decision being taken in December.

10. This will enable the statutory and legal processes to proceed.

1. Background

A substantive review of special school provision was undertaken in 2010 and approved 1st March 2011. This review identified that there is much highly successful practice in Lincolnshire Special Schools and Mainstream Unit Provision meeting the needs of a significant majority of children and young people with special educational needs. As a consequence their achievement and progress is good or better in the significant majority of cases and they are well prepared and equipped for life beyond school.

This review identified the need to develop more locally based specialist provision within Lincolnshire which may require the reconfiguring and the remodelling of existing provision where this is possible, building in those areas where specialist provision does not already exist and, where appropriate, co-locate such provision on mainstream sites.

A key outcome of the recent review of Special Schools and Mainstream Unit Provision was the development of special schools to accommodate a wider range of need, making best use of the resources available and being more responsive to the needs of the locality in which they are situated and so reducing the need for children and young people to travel significant distances to access the provision they require. This proposal seeks to adopt this approach by extending the brief of St Christopher's and St Francis Schools; building on their strengths to successfully accommodate children and young people who currently attend Queen's Park School but who could, with appropriate modifications to the buildings and the appointment of suitably qualified and experienced staff, have their needs met successfully in St Christopher's and St Francis Schools. This approach will retain the children and young people in their community, will make best use of the resources and expertise currently available in the three schools and ensure improved opportunities and access. Furthermore it will provide greater opportunities at 16 for young people to continue their education in a school setting by the retention of the 14-19 annex site as part of St Christopher's School. This will result in a more comprehensive post-16 offer in the city than is currently the case and will facilitate joint working between the schools and other post-16 providers. Details of the proposal for Lincoln are further outlined below.

Details regarding special educational needs provision in Lincoln

Three schools have been the focus of a year long review undertaken by a working group made up of officers, headteachers, governors, parents and members, the schools being:-

St Francis Special School – Physical and Medical Difficulties

St Christopher's Special School – Moderate Learning Difficulties (MLD) and Autism

Queen's Park Special School – Severe Learning Difficulties (SLD) and Profound and Multiple Learning Difficulties (PMLD)

Under the review consideration was given to accommodating children and young people who currently attend Queen's Park School in the two DSUs being created at the Priory Witham and Priory City of Lincoln Academies. However, the inclusive nature of DSU provision is such that it is felt that the needs of the Queen's Park School children and young people could not be successfully met in such an environment. Reconfiguring Myle Cross Primary School was considered several years ago but rejected as the building was unsuitable and it would not be cost effective nor meet the aim of developing existing special schools to accommodate a wider range of need making best use of resources available, with the same applying to other available LA buildings elsewhere. Remodelling at Queen's Park School was also considered but rejected owing to the lack of

space on the site and the condition of the existing building stock. This is not a practical nor a cost effective solution.

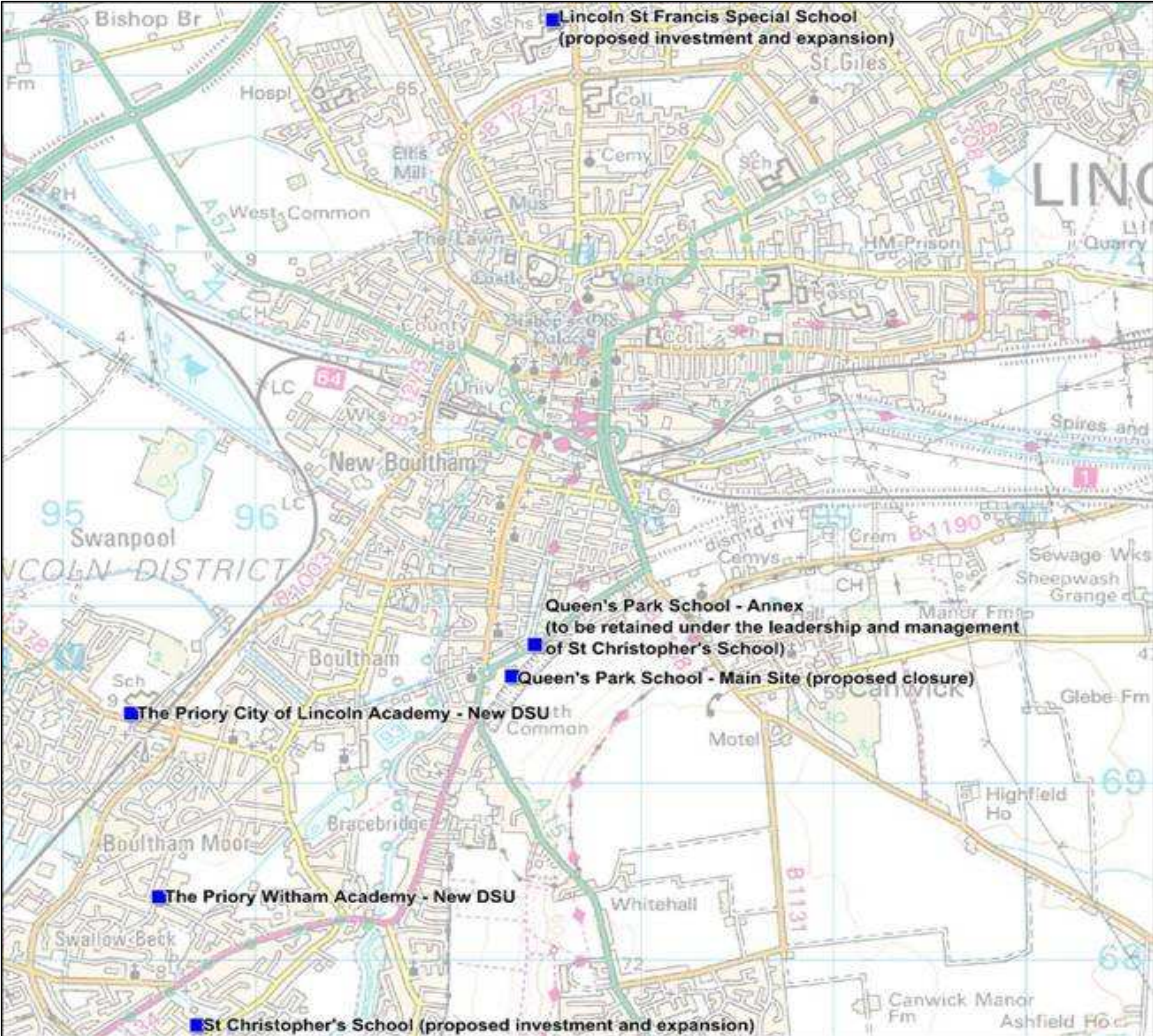
Having fully considered the review's recommendations, the LA believes that the proposal under consultation is the most appropriate way forward if the children and young people currently attending Queen's Park School are to achieve their potential at school and access appropriate opportunities to prepare them for adulthood. The LA also believes that extending the range of need and the accommodation and resources at St Christopher's and St Francis Schools will further improve the opportunities available to all children and young people.

It is proposed that small scale reconfiguration will take place on the St Christopher's and St Francis sites to accommodate SLD and PMLD pupils (between the ages of 2 and 13) respectively, with those pupils identified on the autistic spectrum attending St Christopher's School with appropriate support. These modifications will create up to an additional 30 places on each site, ensuring that the necessary bespoke provision is available to meet the needs of the children and young people. For those pupils aged 14 -19 who currently attend Queen's Park School, suitable provision will be retained on the Queen's Park site 14 -19 annex to ensure that their needs can be successfully met. This provision will be linked to St Christopher's School leading to the formal closure of Queen's Park School in August 2013, although it is anticipated that all pupils will have transferred to the new site by April 2013. It is expected that from September 2013 the age range of the PMLD and SLD children and young people accommodated by St Francis and St Christopher's Schools will over time rise to 16, with the annex offering post-16 education for young people with more complex needs registered at St Christopher's School and from the surrounding area.

This proposal will be undertaken in conjunction with the opening of the two DSUs at the Priory Witham and Priory City of Lincoln Academies, which will work in partnership with the special schools to provide inclusion opportunities as well as admitting children and young people to their units who would historically have been admitted to St Francis and St Christopher's Schools. This strategy will over time reduce the pupil numbers at the two special schools and allow them to use their accommodation and resources to provide for children and young people with the greatest complexity of need. This will provide a wider range of choice to parents of children who require more specialist educational provision. The proposal will ensure that there is a suitable range of provision in the city for children and young people with more complex learning difficulties both now and in the future. With the opening of the two DSUs and investment in St Francis School and St Christopher's School, the places at Queen's Park School will no longer be required although the annex will be retained as a post-16 centre attached to St Christopher's School.

The capital investment required and already identified by the LA to make the necessary adaptations and extend the accommodation at St Christopher's and St Francis Schools to accommodate Queen's Park School pupils will be cost effective and result in provision of a very high standard. This coupled with the appointment of Queen's Park School staff to St Christopher's and St Francis Schools and retention of the post-16 facility will ensure that the needs of children and young people with complex learning difficulties and disabilities will be successfully met both now and in the future. Funding has been identified in principle from the capital programme to undertake the necessary modifications on the two school sites subject to the outcome of this statutory consultation process.

Map of current and proposed special school provision in Lincoln



2. Conclusion

The proposals presented in this report have been the subject of extensive debate over the past twelve months and the process began with proposals by the 3 headteachers supported by the 3 governing bodies of the special schools and the leadership of The Priory Trust. The three headteachers are committed to seeing

them being successfully delivered so that children and young people with complex learning difficulties in the city can, both now and in the future, have their needs met in the best possible provision. They meet the DfE improvement test which is a requirement before any revision can be made to special needs education provision. The recommendation does result in the closure of a highly successful special school but will not result in a loss of school places for children and young people with complex special educational needs or the loss of staff expertise. It will form part of an integrated approach to provision in the city making best use of the facilities available at the St Christopher's and St Francis Schools and the opportunities being developed at the two Academies through the DSU provision.

This report recommends that a Statutory Notice be published regarding the closure of Queen's Park School and the expansion and amendment to the age range at St Christopher's School initiating a representation period of six weeks giving a further opportunity for people and organisations to send in their views and comments. A final Executive decision will then be made when all representations have been collated and analysed and a full report submitted.

3. Legal Comments:

The report sets out proposals for three related recommendations regarding Special School Provision in Lincoln. This process is governed by the Education and Inspection Act 2006 and the Education Act 2002 together with the Guidance on Closing a Maintained Mainstream School, the Guidance on Expanding a Maintained Mainstream School and the Guidance on Making Changes to a Maintained Mainstream School issued by the Department for Children, Schools and Families (now the Department for Education). The process has gone through the initial stage and the responses to that consultation are detailed in the report. The next stage, which is the recommendation that is being requested, is the publication of The Statutory Notice. That Notice as published can list the closure and the other two recommendations as they are related. The Guidance also sets out the particular requirements of which the ultimate decision maker should have regard as this is a review of Special Educational Needs Provision. If the Executive Councillor is of the view that the matter should proceed, then the next stage is that of publication of the Notice.

The report refers to the impact of The Equality Act 2010 and an Equality Impact Assessment has been completed.

This is a decision within the remit of the Executive Councillor.

4. Resource Comments:

The recommendation outlined in the report will enable Lincolnshire to meet the wide range of children's needs now and in the future through improvements in the quality and range of provision available. The proposal will demonstrate effective use of resources.

Lincolnshire implemented a new Special Schools Funding Formula in 2011/12.

The financial impact for Queen's Park school was a reduced budget share of £0.169m from the previous funding formula, before 100% protection arrangements against any losses in year one was applied. Phased transition is also being applied over a further two years until 2013/14, when in 2014/15 the school will realise the full loss, therefore financial viability may become a concern. The number of pupils entering the school is showing a reduced trend, therefore modelling a 5% reduction in pupil numbers each year could result in a reduced budget of £0.325m in 2014/15 from the previous funding system. The school would therefore require a reduced staffing establishment, which would affect the curriculum being offered and the activities available for children and young people with special educational needs

5. Consultation

A report was submitted to the Children & Young People Scrutiny Committee on 13 May 2011 and after discussion the committee gave their full support to take the proposals to public consultation. This was subsequently confirmed by the approval of the Executive on 7 June to commence consultation. To consult on the proposals in this report the LA must follow the necessary statutory legal processes as required by the Secretary of State in accordance with the Education and Inspection Act (EIA) 2006 and the guidance of the DfE regarding closure (Appendix C), expansion (Appendix I) and amendment to age range (Appendix J).

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 the proposal. The LA must 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. The Headteachers and staff have consulted with the students currently attending the three schools to explain the proposal.

A letter (Appendix D) was sent out to interested parties (listed in Appendix E) on 8 June 2011 to commence a seven week period of consultation. Two public meetings were held on 20 June 2011 which were attended by representatives of the LA and the three schools together with parents/carers and other interested parties. All attendees were given the opportunity to ask questions and notes were taken which were published on the County Council website under the webpage Current Consultations on www.lincolnshire.gov.uk/provisionplanning and are also attached here as Appendix F. Copies of the letter commencing consultation and the consultation document were also published on the County Council website. There was the opportunity to provide a response to the consultation by letter, email or by returning the response form (Appendix G) attached to the consultation document by 27 July 2011.

The written responses received during consultation have been provided to the Executive Councillor for consideration and are also summarised in this report in Appendix B. In total there were 123 valid responses with 26 supporting the proposal, 86 against and 11 expressing views neither in favour nor against the proposal. 67 of all the consultation responses were from parents with 14 in favour, 45 against and 8 neither for nor against. 21 of responses were from teachers and non-teaching staff members of the three schools and other local schools. Of these responses 6 were for the proposal, 14 against and 1 neither for nor against. The majority of consultation responses were received from individuals. However, responses were also submitted on behalf of groups or organisations. Such responses in favour of the proposal were received from the School Improvement Service (CfBT) and The Early Intervention and Sufficiency Team at Lincolnshire County Council. Responses against the proposal were received from the governing bodies of 2 local primary schools, a town council, the Leader of Lincoln City Council and The Community Leadership Scrutiny Committee of Lincoln City Council. In addition a response was submitted by a Parish Council which raised concerns but was neither for nor against the proposal. Despite rumours that the Queen's Park governing body no longer supports the proposal, no formal response has been received.

In addition to these responses a petition has been presented against the closure of Queen's Park School with in excess of 8,000 signatures on a hard copy and further electronic signatures on an e-petition. The original copy of the petition can be viewed by Members by contacting Democratic Services. The petition must be considered in the light of DfE guidance that the greatest weight should be given to representations from those stakeholders most likely to be directly affected by the proposals rather than simply taking account of the numbers of people expressing a particular view. This petition does not confirm the area of interest that each signature represents and therefore it is difficult to assess whether the opinions are those of stakeholders that should be given the greatest consideration. If this process continues with the publication of a Statutory Notice the petition will be submitted to a full council meeting in September where it will be considered for debate.

Information regarding this proposal has been updated and made available through the County Council website since formal consultation began on 8 June 2011. The local and district councillors have been actively involved in the consultation for this proposal. Local County Councillors have been kept informed of developments and proposals through the Executive Councillor for Children's Services who has been engaged throughout the entire process. The issue has also been thoroughly aired in the local press, radio and television.

If the Executive Councillor decides to proceed to Statutory Notice, this would initiate a 6 week Representation Period giving a further opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken at the meeting of the Executive in December. The LA, as decision maker, must be able to show that all relevant issues raised are taken into consideration in the decision making process. Points raised can be considered unpersuasive but must not be ignored altogether. The last stage of the

statutory process would be the implementation of the proposal with the closure of Queen's Park School on 31 August 2013 if it is decided to proceed.

a) Has Local Member Been Consulted?

Yes. Members who represent the interests of the city and adjoining communities have been involved in discussions. Also as interested parties they were notified of the commencement of the consultation process on 8 June 2011 and how their views and comments could be submitted.

b) Has Executive Councillor Been Consulted?

These proposals have the approval of the Executive Councillor who has been informed and actively involved throughout the process over the past 12 months.

c) Scrutiny Comments

A report was submitted to the Children & Young People Scrutiny Committee on 13 May 2011 and after discussion the committee gave their full support to take the proposals to public consultation.

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	Summary of written consultation responses
Appendix C	DfE Guide "Closing a Maintained Mainstream School"
Appendix D	Letter to commence the consultation process
Appendix E	List of Interested Parties
Appendix F	Question and Answers at the public meetings
Appendix G	Consultation Response Form
Appendix H	Equality Impact Assessment Form
Appendix I	DfE Guide "Expanding a Maintained Mainstream School by enlargement or adding a sixth form"
Appendix J	DfE Guide "Making Changes to a Maintained Mainstream School"

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
Review and reconfiguration of special schools - Lincoln City proposals	Lincolnshire County Council Committee Records (Reference Policy and Scrutiny 13 May 2011)
Review and reconfiguration of special schools - Lincoln City proposals	Lincolnshire County Council Committee Records (Reference Executive Decision Reference 01859 7 June 2011)

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