

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

Report to:	<b>Executive</b>
Date:	<b>6 December 2011</b>
Subject:	<b>Proposal to review Special School Provision in Lincoln including the closure of Queen's Park School</b>
Decision Reference:	<b>01933</b>
Key decision?	<b>Yes</b>

**Summary:**

The proposal under consideration is to review special school provision in Lincoln including the closure of 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 2013. 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) Special Educational Needs 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. DSU provision caters for children and young people with less complex needs that could benefit from being co-located with facilities and specialist support to potentially aid their integration into mainstream provision. 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 three 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 with 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. 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.

In accordance with the Education and Inspections Act 2006 (EIA 2006) and guidance of the Department for Education (DfE), previously the Department for Children, Schools and Families (DCSF), Lincolnshire County Council has consulted on the three related statutory proposals detailed above. Following the first consultation stage of the statutory process the decision was made to go to the Statutory Notice stage. The Statutory Notice was published on 16 September 2011 which initiated the 6 week statutory period during which representations (i.e. objections or comments) can be made. This period ended on 28 October 2011 and the process is now entering the final stage when the LA, as decision maker, must take the final decision.

This report advises the Executive on making the final decision regarding the related proposals of the closure of Queen's Park School, and the expansion and amended age range at St Christopher's school.

**Recommendation(s):**

The Executive Council is recommended to approve the following three 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 2013

These three proposals are related and one cannot go ahead without the others.

### **Alternatives Considered:**

1. That the three related proposals in this report are not approved 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 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 now and in the future.
- This would not ensure the future sustainability of special school provision in Lincoln with a viable solution. The population of Queens Park School is declining with the current levels of staffing and resources being supported through transitional budget protection linked to a new special school funding formula. If the schools' roll remains at the present figure of 81 full time equivalents (FTE) there will be a need to significantly reduce expenditure by 2014 (when tapered protection stops). A further fall in the roll of the school during this period will compound this. The school had 91 on roll in 2010/11 it now has 81 on roll and has 12 pupils leaving in July 2012 and admissions are likely to remain low.
- This would 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.

2. That the three related proposals in this report are not approved and the consultation process is stopped with Queen's Park School remaining open and the pupils currently on roll 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 following reasons:-

- The lack of space on the site and condition of the existing building stock. The Queen's Park site is no longer fit for purpose, nor is it suitable for development. The existing site is too small to enable the phasing of a suitable building scheme to either modernise the existing buildings or

rebuild to current standards. The adjoining land to the existing site is not owned by LCC, is not of a suitable size and shape, has current public use as a park, and is common land. Enquiries with City Council were made as to the availability of the land for use for the school and it was confirmed that it was common land. The letter of response confirming this from City Council is shown as Appendix I. To develop such land for appropriate use would require a lengthy legal process with a very high risk of not being successful. If this were possible then the only way to develop the site would require the pupils moving twice, causing considerably more disruption and anxiety than moving once to a new setting that could be prepared in advance and with a transition that would be more manageable.

- This would not be cost effective nor an efficient use of public funding. This public funding would be subject to DfE approval as significantly greater capital funding would be needed than currently allocated to the County Council.
- In addition this alternative would 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.

#### **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 - none of which is currently available to them.

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 suitable 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 fulfil the strategic aim of developing sustainable provision within Lincoln and be a move towards area based generic special schools as identified in the recently published review. (Appendix A)

## **1. Background**

A substantive review of special school provision was undertaken in 2010 and approved by the Executive on 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**

Prior to initiating a full review of special school provision in Lincoln city as part of a wider review of Special Educational Provision in Lincolnshire, consideration had been given to how best to addressing the significant building and suitability issues surrounding Queens Park School over a number of years.

In response to concerns raised by staff and governors about the suitability of buildings and the site, the County Council looked at a range of alternatives and shared their conclusions fully with the governing body. Alternatives included inclusion in the Building Schools for the Future programme, proposals from the school regarding the modification and remodelling of empty primary school provision (Myle Cross) or other sites, the inclusion of Queens Park School pupils in the two Designated Specialist Units at the Priory Witham and Priory City Academies and at the request of the school the remodelling and extending of the Queens Park site.

The substantive review of Special School Provision in the County included a smaller group made up of officers, headteachers, governors, parents and CYPSP membership. The focus of this group was to look at the current and future needs of the city with regards special educational provision and to include the 100 Designated Specialist unit places at the Priory Witham and City Academies as a part of the agreed proposal to be put forward. Of the five special schools in the city, three took the lead in determining a future strategy for the city given the nature of need that they (the schools) currently accommodated and the potential for expertise to be developed to accommodate a wider range of need than was currently the case. This involvement was in tandem with the work being undertaken by the group in relation to the inclusion of the Designated Specialist Unit's as part of a city wide offer.

The three schools being:

**St Francis Special School** – Physical and Medical Difficulties (PMD)

**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)

A key outcome of the substantive Special School Review Published in March 2011 was a commitment by Lincolnshire County Council to move towards an "area special school" model with such schools catering for a wider range of need, thus making better use of existing provision, making best use of staff expertise, reducing the need for children to travel in so far as is possible and targeting more effectively those specialist resources offered by other agencies in each of the seven districts more effectively. The same report also identified the following as a means of ensuring more effective provision being available now and in the future:

*"Address the limitations created as a result of the small size of some special schools and/or the suitability of their buildings and through remodelling or reconfiguration successfully meet current and future demand"*

*(Special School and Mainstream Unit Provision Review – Recommendation 12)*

Both of these recommendations were informed by the work of the Lincoln city special school headteachers and their mainstream academy peers. With the heads of the three special schools putting forward a proposal to reconfigure provision in the city, reducing the need to have three special schools by extending

the range of special need to be accommodated at two of the schools, moving towards greater partnership working with post 16 providers in the city for Learners with Learning Difficulties and Disabilities and creating a continuum of provision through the use of the Designated Specialist units. In putting forward this proposal the schools recognised the “outstanding” provision being made by staff in meeting the needs of the children and young people at Queens Park School; the proposal to merge this “outstanding offer” into the two other schools through staff transfer being seen as key to meeting the immediate and future needs of pupils. It is important to note that both St Christopher’s and St Francis School have been inspected by Ofsted in 2011, with overall judgements being “good with outstanding” features and “outstanding” respectively and both schools being identified as having the capacity to further improve.

Having fully considered the Special School and Mainstream Unit Provision review’s recommendations and the work of the Lincoln City review group, the Local Authority believes that the proposal under consultation is the most appropriate way forward for the present children and young people currently attending Queen’s Park School and future children and young people with similar needs 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 who attend the schools.

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 at the Queen’s Park’s 14 - 19 annex to ensure that their needs can be successfully met. The opportunity will be available for young people with PMLD’s to transfer at 14 to St Francis School, which is already well equipped to deal with such complexity of need, if parents request this. The Annex provision will be linked to St Christopher’s School on the formal closure of Queen’s Park School in August 2013 thus providing continuity of education at 16 for those young people who transfer to St Christopher’s School who require it. 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 respectively will eventually 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.

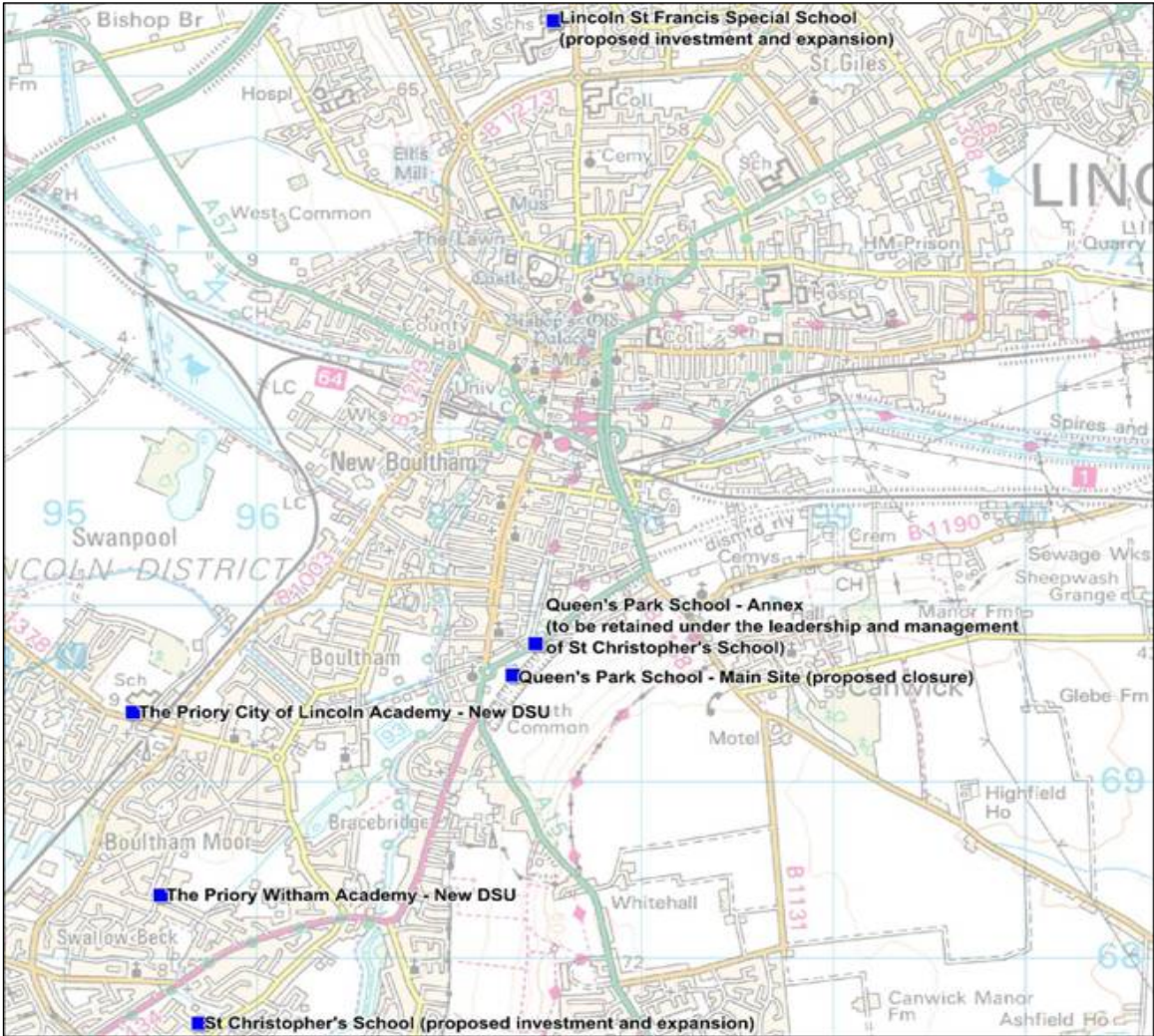
This proposal will be undertaken in conjunction with the opening of the two DSUs at the Priory Witham and Priory City of Lincoln Academies, which will work in partnership with the special schools to provide inclusion opportunities as well as admitting children and young people to their units who would 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



## **Factors to be considered by Decision Makers**

In reaching a decision the Executive Council must have regard to Statutory Guidance issued by the Secretary of State as detailed in the attached guides in Appendices B, C and D 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 be closed 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 has put forward the current proposal as the best and preferred option to meet these criteria.

The Executive must take into account the extent to which the proposal is consistent with the LA's duty to respond to representations from parents about the provision of schools. Of the responses received in the consultation period approximately half were from parents, and out of a total of 67 parental responses 45 were against the proposal. A petition against the closure of Queen's Park School was also submitted but does not specify the area of interest that each signature represents therefore it is difficult to assess whether the opinions expressed are those of parents. Although these parental responses indicate a majority against the closure of Queen's Park School a large proportion of these were concerned over the loss of the ethos and expertise of this 'Excellent' Ofsted rated school. However, it is anticipated that the appointment of the staff of Queen's Park School to St Francis and St Christopher's Schools, as part of a well managed transition, will enable the transfer of skills, knowledge and expertise so that many of the essential factors which contributed to the Ofsted excellent rating will not be lost but be spread to the remaining schools. During the representation period 5 responses from parents were received which were all against the proposal. All responses have been made available to the Executive and must be fully considered. These are summarised in Appendix H. All relevant concerns raised have been addressed within this report and it is still expected that in the long term the parents and their children will benefit from the proposal being implemented through a range of provision better suited to meet the needs of parents and children and is the best and preferred option to meet the required criteria.

Diversity is covered in the following paragraph.

### *Standards and Diversity*

The Executive should be satisfied that the proposal will contribute to raising local standards of provision and will lead to improved attainment for children and young people. The LA believes that the three related proposals will provide the children and young people from Queen's Park School with improved access to specialist facilities to support their learning and better meet their individual needs and will present them with the best opportunity of reaching their full potential.

The Government's aim is to create a more diverse school system offering excellence and choice so that every child receives an excellent education whatever their background and wherever they live. The Executive should consider how the proposal will affect local diversity taking account of the range of provision, the impact on the aspirations of parents and whether the proposal will help raise local standards. The current proposal was developed following a wider review of SEN provision in Lincoln and the LA believes that it will ensure a suitable range of provision in the city for children and young people with more complex learning difficulties both now and in the future. The development of the two DSUs will increase opportunities for more inclusive practice in the city and will ultimately provide a wider range of choice to parents of children who require more specialist educational provision.

#### *Balance of Denominational Provision*

If this proposal goes ahead there will be no change to the number of denominational places provided in the area and therefore there will be no negative impact on the balance of denominational provision.

#### *Every Child Achieving their Potential*

The Executive should consider how the proposal will help every child and young person achieve their potential. This should include considering how displaced 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 children and young people with particular needs (eg looked after children or children with special educational needs and disabilities).

The LA believes that the proposal will provide greater access to specialist facilities both through the provision of specialist teaching areas, equipment and resources and also through improved access to facilities with regards to physical, medical and sensory needs. In addition it will provide wider access to a range of enhanced opportunities beyond the classroom and allow more children to benefit from the retention of experienced and skilled members of staff. The proposal will enable better and more effective use of resources so that children and young people with complex learning difficulties can benefit from the facilities available at St Francis and St Christopher's schools and the DSUs. Having fully considered the recommendations of the review of Special School and Mainstream Unit Provision, the LA believes that this proposal is the most appropriate way forward for the children and young people currently attending Queen's Park School to achieve their potential at school and prepare for adulthood.

#### *Need for Places - Provision for Displaced Pupils; the Expansion of Popular and Successful Schools and Surplus Places*

When considering a proposal to close a school the Executive should be satisfied that there will continue to be sufficient capacity to accommodate displaced pupils taking into account the overall supply and likely future demand for places and considering the quality and popularity of existing provision. Similarly, when

expanding an existing school the Executive should consider whether there is a need for expansion and take care not to create unnecessary surplus capacity.

It is anticipated that pupils attending the Queen's Park School at the time of closure will transfer onto the roll of the either St Francis School or St Christopher's School so that there will be no displaced pupils. The proposal to close Queen's Park School must be considered alongside the proposal to expand St Christopher's School and also to amend the age range. These proposals are related and one cannot go ahead without the others. The related proposals, together with the expansion at St Francis and the opening of the DSUs, will ensure that there is a sufficiency of special school places to meet the needs of the city and surrounding communities for both immediate and future needs.

The Government is committed to ensuring that every parent can choose an excellent school for their child with the wishes of parents being taken into account. There is a strong presumption that proposals to expand popular and successful schools should be approved. The latest Ofsted report for St Christopher's School rated the school's overall effectiveness as good with its capacity for sustained improvement also as good. The school is a popular one and a very large majority of parents who recently returned questionnaires to Ofsted were positive about the school agreeing that teaching is good and that the school is led and managed effectively. The latest Ofsted report for St Francis School rated the school's overall effectiveness as outstanding with its capacity for sustained improvement also as outstanding. The school is also a popular one and again a very large majority of parents who recently returned questionnaires to Ofsted were positive about the school agreeing that teaching is good and that the school is led and managed effectively.

#### *Impact on the Community and Community Cohesion and Race Equality*

The Executive must consider the effect on the local community of the closure of a school which is the focal point for family and community activity. Although this proposal does involve the closure of a highly successful special school it will not result in the 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 St Christopher's and St Francis Schools and the opportunities being developed at the two academies through the DSU provision. The proposal should not have any negative impact on community cohesion but rather is likely to lead to improved access to extended services.

The question of race equality is referred to below in the "*Equal Opportunity Issues*" paragraph.

#### *Travel and Accessibility for All*

The Executive should be satisfied that facilities are accessible by being located close to those who will use them and that proposed changes do not adversely impact on disadvantaged groups. Proposals should not have the effect of unreasonably extending journey times or increasing transport costs or result in too

many children being prevented from travelling sustainably due to unsuitable routes. The proposal should be considered on the basis of how it will support and contribute to the Council's duty to promote the use of sustainable travel and transport to school.

Under the current proposal all pupils who receive home to school transport to Queen's Park School will continue to receive home to school transport to either St Francis School or St Christopher's School. Therefore this proposal should not lead to any increased car use nor have a significant impact on the current transport arrangements or journey distance and times for those pupils. The LA believes that the proposal will reduce the need for children and young people with complex special educational needs to travel outside of their locality to access the specialist provision they require.

Transport arrangement for any pupils who join the roll of other schools will be in accordance with the home to school transport policy of the county council. This provides for free transport for pupils aged 5-16 to their nearest suitable school with a place, provided that the school is more than 2 miles distant (at the primary stage) or three miles distant (at the secondary stage) from their home address. For children with statements of special educational needs, the statement will, if necessary, identify an 'exceptional transport need'. This is taken into account when transport support is being considered.

#### *Provision for 16 – 19 year olds*

For those pupils aged 14 -19 who currently attend Queen's Park School, suitable provision will be retained on the Queen's Park 14 -19 annex site 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. The retention of the annex site as part of St Christopher's School to offer post-16 education for young people with more complex needs from the city and surrounding areas will provide greater opportunities at 16 for young people to continue their education in a school setting. 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.

#### *Funding and Land*

For any expansion proposals the Executive should be satisfied that any land, premises or capital required to implement the proposals will be available. The expansion proposal is conditional on the closure of Queen's Park School. Appropriate funding is available should the proposals go ahead and has been identified within the capital programme. The capital investment required to make the necessary adaptations to and the extension of 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.

### *Equal Opportunity Issues*

The Executive should consider whether there are any sex race or disability discrimination issues that arise out of the change being proposed. There needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all. There are no sex, race or disability discrimination issues arising from this proposal. Consideration of disabled children and young people will take place where there is any relocation of pupils to alternative sites and physical access will be assured should a need be presented. The LA will continue to be committed to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all.

### *Special Educational Needs (SEN) Provision*

The Executive should consider the impact of the proposal on the Special Educational Needs provision taking into consideration the guidance laid down in the guide and be assured that the proposal is designed to improve on existing arrangements and enable all children to achieve their potential.

The following key factors must be considered in order to meet the requirement to demonstrate likely improvements in provision and fulfil the Special Educational Needs Improvement Test:

- a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's 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 will lead to improvements in the standard, quality and range of provision for children with special educational needs as detailed in this report and views the implementation of the proposal as an opportunity to improve the provision with better access to resources and consistently good quality teaching, learning and leadership.

### *Views of Interested Parties*

The Executive 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 should not simply take account of the numbers of people expressing a particular view when considering responses made. Instead the Executive 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 in relation to this proposal prior to the decision being taken. All responses to both the consultation period and the representation period have been received and made available to the Executive (In

Appendices E and F) and are also referred to later in the Consultation section of this report.

### *The Decision*

In considering the proposals the Executive can

- reject the proposals
- approve the proposals
- approve the proposals with a modification (e.g. the school closure date) or
- approve the proposals subject to the meeting a specific condition

All decisions must give reasons for the decision whether rejected or approved.

## **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. However, the governors of Queens Park withdrew their support during the consultation period and requested that the process be stopped so further detailed investigation of possible alternatives could be considered. Alternatives were considered and this proposal was still the preferred option for the LA. Officers have continued to meet and discuss issues with governors seeking to address their concerns as expanded on in section 5 - Consultation. The three headteachers are committed to seeing these proposals 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 Special Educational Needs 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, as these will be transferred to St Francis or St Christopher's. 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 the three related proposals in this report be approved to ensure the best possible standard, quality and range of provision in Lincoln for children with special educational needs. The objective of this report is to enable children and young people with complex learning needs within the city of Lincoln to achieve their potential at school and access appropriate opportunities to prepare them for adulthood. It is a LA priority that all children and young people should achieve their potential. Therefore the LA is committed to provide a flexible range of provision and support that can respond to individuals' educational needs and parents' and carers' preferences rather than establishing broad categories of provision according to types of special educational need or disability.

The advantages of implementing these three proposals are detailed in “Reasons for Recommendation” earlier in this report. The factors to consider in making this decision are within this report and all responses made during the consultation phase and the representation period must be considered. (summarised in Appendices E and F)

### **3. Legal Comments:**

The legal background and issues to be considered by members in making this decision are set out in this report. Members will note in particular the importance of having full and proper regard to the implications of the Equalities Act as regards this decision and the need to be satisfied that a robust consultation has taken place and the results of that consultation are fully considered. The decision is within the powers of the Executive.

### **4. Resource Comments:**

The recommendations in this report seek to improve special needs provision in the Lincoln area. The funding for the capital investment has been agreed, in principle, from Children's Services capital programme. The revenue funding of special schools will continue to be met from the Dedicated Schools Grant and any modest one-off costs that arise from the recommendations in this report may also be met from that grant. If accepted, the recommendations should give rise to more effective use of resources.

### **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 B), expansion (Appendix C) and amendment to age range (Appendix D).

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 J) was sent out to interested parties as specified by DfE guidance (listed in Appendix K) 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](http://www.lincolnshire.gov.uk/provisionplanning) and are also attached here as Appendix L. 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 M) 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 E. 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 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. LCC officers attended the Community Leadership Scrutiny Committee on 20 July 2011 to present the proposal and answer questions to help inform the response of the committee. In addition a response was submitted by a Parish Council which raised concerns but was neither for nor against the proposal. The governing body of Queens Park responded during the consultation period to highlight their concerns following the response to the proposal from parents, and as a result of receiving information about what they believed may be alternative viable options relating to land and available capital. The points raised in their letter to Peter Duxbury in July 2011 have all been addressed within this report. A copy of this letter is attached as Appendix F. Cllr Mrs Bradwell (Executive Councillor for Children's Services and Adult Learning) and Paul Snook (Principal School Improvement Adviser - Strategic Projects) met with the governing body on 12 October 2011 and addressed governors concerns which covered those raised in the letter to Peter Duxbury. Following the meeting a written response was sent to the Chair of Governors for confirmation, the content of which is summarised in Appendix G for information. Staffing and HR related concerns were also raised and addressed. None of these concerns were raised again by the governing body

within the representation period and no formal response to the complete proposal was received from them during this period.

In addition to individual consultation responses a petition was presented against the closure of Queen's Park School with in excess of 6,000 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 the Property and Technology Management team. 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. The petition was submitted to the meeting of the County Council on 16 September 2011 where the Council resolved that the petition be received.

The Executive Councillor took the decision to proceed to Statutory Notice, which was published in the press, at the schools' gates and within the community on 16 September 2011. This also marked the start of 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 on 6 December 2011. 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. During the representation period 8 responses were received, all against the proposal. 5 were from parents/carers, 1 was a member of the local community and 2 did not specify. All responses were provided in full to the Executive Councillor and are summarised in Appendix H. The last stage of the statutory process would be the implementation of the three related proposals with the closure of Queen's Park School on 31 August 2013 if it is decided to proceed.

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.

**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.

This paper will be reviewed by a meeting of the Children and Young People Scrutiny Committee on 2 December 2011. The decision of the scrutiny committee will be confirmed by officers at the meeting of the Executive on 6 December 2011.

## **d) Policy Proofing Actions Required**

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

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 12 and 13 of this report under "Equal Opportunity Issues" and "Special Educational Needs (SEN) Provision" will assist the Executive 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 "Closing a Maintained Mainstream School"
Appendix C	DfE Guide "Expanding a Maintained Mainstream School by enlargement or by adding a sixth form"
Appendix D	DfE Guide "Making Changes to a Maintained Mainstream School"
Appendix E	Summary of written responses in the consultation period
Appendix F	Letter from Queen's Park Governing Body to Peter Duxbury
Appendix G	Summary of written response to Queen's Park Governing Body
Appendix H	Summary of written responses in the Representation Period
Appendix I	Letter from City Council regarding land adjacent to Queen's Park School
Appendix J	Letter to commence the consultation process
Appendix K	List of Interested Parties
Appendix L	Questions and Answers at the public meetings
Appendix M	Consultation Response form
Appendix N	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
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)
Proposal to review Special School Provision in Lincoln including the closure of Queen's Park School	Committee Records ( Reference Executive Councillor Decision Reference 01907 30 August 2011)

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