

Open Report on behalf of Heather Sandy, Executive Director - Children's Services

Report to:	Councillor Mrs P A Bradwell, OBE, Executive Councillor: Adult Care, Health and Children's Services
Date:	Between 08 March and 12 March 2021
Subject:	Proposal on the Future of the Boarding Provision at The St Francis Special School, Lincoln (Final Decision)
Decision Reference:	I021497
Key Decision?	Yes

Summary:

Lincolnshire County Council has a statutory duty to ensure that there are sufficient school places to accommodate all pupils of statutory school age who live in Lincolnshire, including provision for children with special educational needs and disabilities (SEND). Lincolnshire County Council (LCC) must consider its duty to promote high educational standards, ensure fair access to educational opportunity and assist every child to achieve their potential with the aim of enabling children to take up a school place in the local area. To help the Local Authority (LA) meet these duties and restructure local provision they have the power to close all categories of maintained schools, including boarding provision.

The proposal under consideration is to permanently discontinue the boarding provision at The St Francis Special School, Lincoln with effect from 1 September 2021. The LA believes that this proposal is the best available option to fulfil this duty and to support equity in provision across the special school estate. Consideration is being given to what the accommodation could be used for in the future, which is referred to in this report.

St Francis caters for pupils aged 2 to 19 with a wide range of special educational needs. The school currently has a residential facility, which has been temporarily closed since March 2020 due to the Covid-19 pandemic. When open it has capacity for up to eight St Francis pupils, who access the facility for over-night stays as part of the school's educational offer to support the development of skills for independence. This is now part of the curriculum for all special schools including those without boarding provision. It is not a short breaks offer through a social care assessment, so other schools are unable to access it when open.

It is not known when it will be safe for the residential unit to re-open due to the uncertainty surrounding the pandemic. As no timescale can be determined and with staff temporarily deployed into other positions on an informal basis within the school, it is not considered reasonable to keep the boarding provision open and

staffed in the long-term with no pupils. It is not considered to be value for money and best use of the public purse. Alternative options are available in the longer term, which are more in keeping with the objectives of the SEND Building Communities of Specialist Provision Strategy to support equity across SEND provision in Lincolnshire.

The Governing Body of St Francis Special School (also the Governing Body of the federated St Christopher's Special School in Lincoln) wrote to the LA in September 2020 to ask the LA to close the boarding provision to enable broader work to take place to consider how the accommodation could continue to be utilised to best effect. It was requested that the LA move forward a formal proposal to remove the boarding provision at the school and opportunities be explored to benefit the young people of Lincolnshire, which might include short breaks.

The Local Authority is co-ordinating the process following statutory guidelines published in the Department for Education (DfE) guide "Making significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers" (October 2018) in accordance with the terms of the Education and Inspections Act 2006, as updated by the Education Act 2011.

On 30 September 2020 a five week period of consultation commenced which closed on 4 November 2020 and is further referred to later in this report in the Consultation section. A summary of written responses received is also attached in Appendix A.

Following the consultation period the decision was taken on 1 December 2020 to publish a Statutory Notice on 17 December 2020. This initiated a four week Representation Period up to 14 January 2021 when further written objections and comments may be submitted. The process is now entering the final stage when the LA, as decision maker, must take the final decision regarding the proposal within 2 months from the end of the Representation Period (by 14 March 2021).

The purpose of this report is to advise the Executive Councillor on making the final decision regarding the proposed closure of the boarding provision at The St Francis Special School Lincoln.

The detail on what alternative uses there may be for the accommodation is not a factor in making that decision, but the Executive Councillor should be aware that there are other potential uses which could themselves contribute to SEND provision in the county. Alternative uses explored during the consultation and representations periods continue to be explored and are referred to later in this report.

Recommendation(s):

That the Executive Councillor approves the closure of the boarding provision at The St Francis Special School Lincoln with effect from 1 September 2021.

Alternatives Considered:

Do not close the boarding provision at The St Francis Special School and continue to operate, fund and staff the residential provision in its present format. With the aim to re-open the facility at a later date as it was before, once it is deemed safe to do so following the Covid-19 pandemic.

Reasons for Recommendation:

- The recommendation takes account of the wishes of the Governing Body for the boarding provision to be considered as part of the LA's wider considerations regarding the future of care provision for young people and to utilise the residential accommodation to its full potential.
- There are currently no pupils boarding due to the pandemic. It is not considered reasonable to keep the boarding provision open and staffed in the long term with no or very few pupils.
- Supporting the development of independence skills is now integrated into the curriculum and the same learning opportunities that are available to SEND pupils across the county will continue to be available to pupils at St Francis Special School after the recommended change.
- To enable the statutory and legal processes to proceed in accordance with guidelines laid down by the DfE.
- There is no other residential SEND provision within the county of this type. One of the ambitions of the Building Communities of Specialist Provision Strategy is to achieve equity in SEND provision across the county.

1. Background

The St Francis Special School, Lincoln, caters for 164 (October 2020 School Census) pupils aged 2 to 19 with a wide range of special educational needs including physical and medical, Autistic Spectrum Disorders and social communication difficulties, and severe and profound learning difficulties. As part of the multi-million pound special school capital programme being delivered by the LA, there will be significant adaptations and funding invested into the school over the next few years so that it can cater for all needs.

The Council's SEND Strategy is to ensure that special schools in the county cater to all needs thus enabling pupils to attend schools closer to their homes. As part of this strategy the Council is seeking to provide an equitable offer across the county. Learning skills for independence forms part of the curriculum at all special schools without the need for residential/boarding facilities.

This report is written in the context of concern over equity of provision where St Francis School pupils have access to a residential unit in addition to the integration of the development of independence skills through the daily curriculum.

There are also concerns about the long term financial sustainability of the residential facility at St Francis Special School. The facility has been temporarily closed since March 2020 due to the Covid-19 pandemic. When open it has capacity for up to eight St Francis pupils.

It is not known when it will be safe for the unit to re-open due to the uncertainty surrounding the pandemic. As no timescale can be determined and with staff temporarily deployed into other positions on an informal basis within the school, it is not considered reasonable to keep the boarding provision open and staffed in the long-term with no pupils. It is not considered to be value for money and best use of the public purse. The school is currently funded annually from the High Needs Block specifically for the operation of their residential offer.

Originally the residential facility had capacity for approximately 39 boarders. The capacity has gradually reduced over the years due to a number of factors. Needs of pupils at the school increased and became more complex, so the boarding facility could not accommodate as many pupils. Changes to fire regulations also affected the capacity, resulting in fewer numbers. At the last Ofsted inspection the emphasis in the boarding facility became more social care focused, resulting in a drop from 'outstanding' to 'good'. This also contributed towards a decision to make the facility single room occupancy.

Due to the single room occupancy rule, some pupils are in rooms that were originally designed to sleep three to four, which are vastly larger than required. In total there are nine multiple occupancy rooms and three single rooms, split equally over three wings. One wing has more recently been used for dining and socialising and not sleeping. With the current maximum capacity of eight pupils for the whole boarding provision, this means that per person, running costs of the building alone are high and the space is not utilised to its maximum potential. Funding allocated in 2020/21 is £582,568, which is based on a current maximum capacity and is a cost per place of £72,821. This is considered to be a high cost.

When operating, the residential facility is only used part of the year as it is not open at weekends or school holidays. So if in use for four nights a week for 28 weeks a year then this roughly equates to over £20,000 per four day week (over £5,000 per night). This further demonstrates that it may not be considered good value for money. It is also not available to any pupils not on the roll of St Francis School.

The boarding provision is funded as an education facility and due to funding it is not possible to extend the operating hours or to open it up to other uses such as social care related short breaks. St Francis is the only school in Lincolnshire that operates in this manner. In addition, although federated, Lincoln St Christopher's School is unable to use the facility.

The model of having residential provision as part of a special school is being used far less both locally and nationally. Many special schools now have established links with other provision (rather than part of their own provision). This enables young people to have the potential to access appropriate residential care that they may need (subject to a social care assessment) from a wider range of sources, whilst learning independence skills is now successfully embedded into the

curriculum within the school day to teach young people the skills needed to prepare them for later life and adulthood.

St Francis receives commissioned funding for the boarding facility from the High Needs block of the Dedicated Schools Grant. This is outside of the school's main delegated funding for day education provision, which is determined through Lincolnshire's special schools funding formula. The boarding provision is considered to be high cost based on current maximum capacity, and it is important spending commitments are continually considered to deliver value for money on the finite resource available for Lincolnshire. This funding could be used in another way to benefit children's education across the county, and it is also important to recognise the local and national financial challenges of high needs spending.

As a result of Covid-19, in March 2020 the LA explored ways to increase mainstream residential provision for children who are looked after. The school worked closely with the LA to utilise their boarding provision to best effect during these unprecedented times. St Francis Special School offering their residential buildings assisted the authority in fulfilling its statutory obligations. St Francis was required to relinquish their Ofsted Registration for the boarding facility and this was done in March 2020. The LA then made an urgent application for the facilities to be registered as a temporary home for children aged between six and twelve years. In June 2020 the residential facility, named Wickenby House, was officially registered as a children's home and a certificate was issued to this effect to serve as a temporary children's home during the pandemic. At present there has not been much of a need to place any children at Wickenby House and there are currently no children using the facility.

It is the LA's statutory duty to ensure that there are sufficient school places to accommodate all pupils of all needs of statutory school age across the county of Lincolnshire. The LA must consider its duty to promote high educational standards, ensure fair access to educational opportunity and assist every child to achieve their potential with the aim of enabling children to take up a school place in the local area. The proposed closure of the residential facility does not affect the number of main St Francis daytime places. Part of the SEND Building Communities of Specialist Provision Strategy is about providing an equitable offer across Lincolnshire which all children can access. The current arrangements at St Francis are not in line with other provision across the county to ensure that all special school provide a similar and equitable offer.

The school governing body asked the LA that the boarding provision be considered as part of the Local Authority's wider considerations regarding the future of care provision for young people, building on the work the school has done in providing support for our pupils and families over the last few years.

Depending on what the provision becomes in the future, there are a number of possible options relating to the employment of the residential staff. Employees would be given opportunities to look for redeployment opportunities to secure their high quality specialist skills within the authority wherever possible; potentially there could be an opportunity to TUPE staff across into a new setting (only if run by another organisation), temporary secondments, permanent redeployment (there

are several opportunities with vacancies in other settings) and as a last resort, redundancy.

The staff have shown dedication and professionalism throughout in order to ensure that young people are supported so that their needs are met. If the residential element of the school is closed, then staff will be supported to ensure that all suitable opportunities are explored to try to retain their skills and knowledge with LCC.

The Executive Councillor must reach her decision having regard to the Council's education duties and Statutory Guidance referred to later on in this Report. The fact that the building could be used for potentially better alternative uses is not in itself a ground for closure. However it is relevant for the Executive Councillor in deciding whether to close on other grounds to have in mind whether there are other uses to which the building could be put.

Throughout the consultation process a number of options for how the accommodation might be used have been discussed, were it to close. Consideration will continue to be given to how the use of the buildings may potentially link to the Children in Care Transformation work and/or the SEND Building Communities of Specialist Provision Strategy. Options will be explored further to determine a suitable future use for the accommodation, if it is no longer used for the boarding offer at the school. The potential for what the buildings may become should not be an influencing factor in making a decision on the proposal to end the boarding provision.

Whatever the long term use of the buildings, it is the intention that a solution will be found to ensure that they are fully utilised to the benefit of the young people of Lincolnshire.

Reaching the Decision – Preliminary Considerations

The requirements for decision making relating to school organisation in LA maintained schools are set out in the guide "Making significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers" (October 2018) published by the DfE.

The DfE does not prescribe the exact process which a decision maker should follow but the decision maker must have regard to this guidance. The decision maker should consider the views of those affected by the proposal and should not simply take account of the numbers of people expressing a view but give greatest weight to those stakeholders most likely to be affected and especially the parents of children at the school concerned.

Factors to be considered by Decision Makers

The Consultation and Representation Period

The Executive Councillor must be satisfied that appropriate fair and open local consultation and representation periods have been carried out and that all of the responses received have been given due consideration. The Executive Councillor

should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal, especially parents of children and should not simply take account of the numbers of people expressing a particular view.

Although there is no longer a prescribed consultation period prior to the publication of the Statutory Notice and Complete Proposal the DfE's guidance states "*a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication*". The LA conducted a five week period of pre-consultation to fulfil this expectation and also to operate a fair and open process and ensure all views were considered. A Statutory Notice (Appendix B) and Complete Proposal (Appendix C), initiating a four week Representation Period, were published in accordance with current statutory requirements.

Responses submitted during both the Consultation and Representation Period have been made available to the Executive Councillor for consideration when taking the final decision and further details of these responses are provided in section 6 of this report (**Consultation**).

Education Standards and Diversity of Provision

The Executive Councillor should consider the quality and diversity of schools in the area and whether the proposal will meet or affect the needs of parents, raise local standards or narrow attainment gaps.

The closure of the boarding provision will not affect pupils attending their daytime provision, as no pupils reside at the boarding provision full-time, with pupils travelling daily from home to access education at St Francis.

If this proposal goes ahead there are alternative methods successfully embedded within the day to day curriculum of the school (as with all other schools in Lincolnshire) that ensure pupils gain the life skills they need for supporting them in later life, so it is not considered that education standards of the school will be impacted as a whole. It is also considered that the proposal will still meet the educational needs of the pupils at St Francis and their parents.

Equal Opportunity

Throughout this decision making process the Public Sector Equality Duty (PSED) will be complied with and 'due regard' will be given to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

The LA does not consider that there are any adverse impacts on people with protected characteristics that will arise if the residential provision closes. In

particular the education, which the pupils receive in relation to skills for independence, is taught through the day curriculum in the same way as for other SEND pupils in Lincolnshire. They will therefore continue to receive support for developing the skills to advance their equality of opportunity with others who don't share their protected characteristics. The LA continues to be committed to provide access to a range of opportunities and aims to ensure that such opportunities are open to all.

Community Cohesion

The impact on the community must be considered and schools have a key part to play in providing opportunities for young people from different backgrounds to learn from and respect each other and gain an understanding of other cultures, faiths and communities. The decision-maker must take account of the community served by the school and the views of different sections of the community.

As the main day-time provision of St Francis is not affected by the proposal it is not considered that there will be an impact on community cohesion. Children from different backgrounds will still be able to access their day-time place at the school and pupils will continue to learn about other cultures, faiths and communities.

Travel and Accessibility

The Executive Councillor should be satisfied that accessibility planning has been properly taken into account and that proposed changes do not adversely impact on disadvantaged groups. Proposals should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling 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.

The proposed closure of the boarding provision will not affect pupils attending their daytime provision. No pupils reside at the boarding provision full-time; with pupils travelling daily from home to access education at St Francis, therefore there will be little or no change on journey times or transport costs. The boarding provision has temporarily been closed since March 2020 without impacting on pupils' access to daytime provision.

Funding

The Executive Councillor should be satisfied that any necessary funding required to implement the proposals will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

The diocese has not objected to the proposal and the governing body support the proposal.

Financial implications on the closure of The St Francis Special School would be dependent on the facility's future use. A final decision will not financially impact the

running of the main school site education delivery at The St Francis Special School, Lincoln.

Should a decision be made at the end of this process to proceed with the closure of the boarding provision, there may be staff related financial implications resulting from the closure which will need to be determined; however re-deployment opportunities will be explored to maintain high quality specialist skills of valued staff within the sector. Financial liabilities specifically relating to the boarding provision closure will be managed within the High Needs block of the Dedicated Schools Grant.

Alternative Provision, Standards and Diversity of Provision

The proposed permanent closure of the residential facility does not affect the number of main St Francis daytime places; in addition the quality and diversity of schools in the area will not be impacted.

When open, the boarding provision has capacity for up to eight pupils. Full-time boarding places are not offered by the school; part-time places are offered on rotation to ensure all those who wish to utilise the facility get an opportunity. The boarding provision provides an opportunity for pupils to spend a few nights away from home to develop life skills which helps prepare them for independence; it also offers an opportunity for pupils to socialise with their peers and in addition provides respite for the families of pupils.

As the school's residential facility is not a traditional full-time boarding school there is not a requirement to consider alternative state boarding provision in the wider area; in the long-term it is also considered that the proposal will still meet the needs of the pupils at St Francis and their parents.

The closure of the boarding provision will not affect pupils attending their daytime provision, as no pupils reside at the boarding provision full-time, with pupils travelling daily from home to access education at St Francis.

If this proposal goes ahead there are alternative methods successfully embedded within the day to day curriculum of the school (as with all other schools in Lincolnshire) that ensure pupils gain the life skills they need for independence, so it is not considered that education standards of the school will be impacted as a whole.

In addition the LA is exploring more cost effective alternatives for the use of the residential buildings, with the desire to provide more opportunities for vulnerable young people through a wider residential offer for short breaks or other possible opportunities.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- 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.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

An Equality Impact Assessment has been completed (Appendix E). In summary the analysis indicates that if new provision for short breaks or a Children's Home is

created within the existing boarding provision buildings there would be a long-term positive impact on more young people in the wider Lincoln area. It was also identified that any new provision will not be operated by the school and if existing St Francis pupils access the provision there could be unfamiliar staff within the setting depending on deployment and recruitment. This could be unsettling for St Francis pupils, however support is always offered to young people accessing new facilities.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The JSNA and the JHWS have been taken into account during the preparation of this report on the proposed permanent closure of the boarding provision at the St Francis Special School as follows.

If the residential provision closes it will be ensured that pupils gain support for the development of the life skills they need through the day curriculum at the school, so it is not considered that educational standards or attainment will be impacted as a whole.

The daytime provision is separate to the residential provision so daytime places will not be affected and pupils will continue to be supported by the school in all areas including mental health and managing health conditions and/or disabilities.

Daytime provision is not part of the consultation and residential provision is not offered full-time so journey times to and from school will be largely unaffected. The impact from journeys on health and safety and general wellbeing will be no greater.

Alternative use of the residential provision is being explored, which St Francis pupils may be able to access (dependent on its eventual use and social care assessments).

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

This duty has been considered but no implications have been identified.

3. Conclusion

The final decision is required from the Executive Councillor to determine whether to approve the proposal to close the boarding provision at The St Francis Special School Lincoln as detailed in this report. The factors to consider in making this decision are within this report and all valid written responses received during consultation and the Representation Period (see section 6 Consultation) in relation to the proposed closure of the boarding provision at The St Francis must be considered.

The LA believes that this proposal is in the best interests of children and parents, particularly for those young people that are some of the most vulnerable in our society and need the highest level of care and education possible. This proposal will support the future sustainability of special school provision across Lincolnshire, and help meet the ambitions of the Building Communities of Specialist Provision Strategy by increasing equity in provision across the county.

It is recommended that this proposal is implemented. The advantages of implementing this proposal are detailed earlier in the report in the "Reasons for Recommendations" section.

4. Legal Comments:

The Council has the power to propose the closure set out in the Report subject to following the statutorily prescribed process including all consultation requirements. This report seeks approval to close the provision.

In arriving at the recommendation the full statutory process for making a prescribed change to an LA maintained school has been undertaken, which has taken into account statutory guidance.

The Executive Councillor must take into consideration all matters which are required by the Statutory Framework and the consultation responses must be conscientiously taken into account in reaching a decision.

The Executive Councillor may reject the proposal, approve it without modifications or with modifications or approve subject to certain conditions being met.

It would be lawful for the Executive Councillor to make a decision in accordance with the recommendation which is to approve without modification.

5. Resource Comments:

The recommendation in the report to the closure of the boarding provision at The St Francis Special School Lincoln with effect from 1 September 2021 will cease the current commissioned funding arrangement with the school at that point. This commissioned funding arrangement is outside of the school's main delegated funding for day education provision, which is determined through Lincolnshire's special schools funding formula.

The boarding provision is funded as a commissioned activity through the High Needs block of the Dedicated Schools Grant. It is seen as best practice to ensure spending commitments continue to deliver the optimum outcomes for children and young people of Lincolnshire and deliver value for money, noting the boarding provision is considered to be high cost based on current maximum capacity. This is even more important in the context of local and national funding challenges of high needs spending. The Dedicated Schools Grant is a ring-fenced grant and has to be spent into accordance with the Schools & Early Years Finance Regulations in supporting the children of Lincolnshire. The Local Authority's role is to govern the use and effective deployment and prioritisation of resource, and decisions are made in consultation with schools and other stakeholder groups.

The level of financial liabilities relating to the recommended closure of the boarding provision will be subject to redeployment opportunities for the residential staff. Where all opportunities have been explored, financial liabilities for the provision closing will be managed within the High Needs block of the Dedicated Schools Grant.

6. Consultation

In order for the school to expand the Local Authority must follow the necessary statutory processes in accordance with the Education and Inspections Act 2006, the Education Act 2011 and the guidance "Making 'prescribed alterations' to maintained schools. Statutory guidance for proposers and decision-makers" (October 2018) issued by the DfE.

Under these guidelines the LA must ensure that sufficient time and information are provided for people to understand, form a view on the proposal and make a response. Under the DfE guidelines which came into effect in October 2018 there is no longer a prescribed consultation period for significant changes to schools (including physical expansions). However there is a "*strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication*". To comply with this the Local Authority has conducted a five week period of pre-consultation. Any documentation issued must set out the problem that is being addressed and invite comments. The Local Authority must explain the decision making process and take all reasonable steps to draw the proposal to the attention of all those who might be interested and take into account their views.

The Education and 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 guidance issued by the DfE in October does not prescribe a definitive list of consultees. The list of interested parties was therefore compiled comprising as wide a range of consultees as practicable to ensure that all interested parties were included and incorporated parents of current St Francis pupils, the District Council, as well as individual County, District and Parish Councillors as appropriate.

A letter incorporating relevant information and reasons for the proposal was sent out to a wide range of interested parties on 30 September 2020 to commence a five week period of consultation. There was the opportunity to provide a response to the consultation online, by letter, email or by returning a response form by 4 November 2020. A copy of the letter commencing consultation was published on the County Council website at www.lincolnshire.gov.uk/school-pupil-support/school-organisation-planning.

All written responses received during consultation have been made available to the Executive Councillor for consideration and further details are confirmed in this report in Appendix A. To summarise, however, there were 46 valid responses in total.

There were 22 responses received from pupils at St Francis. Overall the pupils were very sad about the proposal to potentially close the facility. The pupils stated that they like staying in the residential unit, it makes them happy and they enjoy seeing the staff and their friends. The pupils also value residential as it gives them independence which helps prepare them for when they move out of home.

The staff do an excellent job to make the pupils feel welcome and safe, and whilst it is nice for young people to spend time together overnight with their friends, this is not an educational requirement or the main purpose of the provision. As referred to in the report, the focus on learning skills for independence is in the daytime curriculum at school, alongside other support through the school and their families, which helps provide the necessary preparations for adulthood.

Three responses were not against the proposal and supported the notion of exploring and developing provision available to pupils with additional needs and the opportunities it may bring. These provisions continue to be explored and are referenced in the report in relation to possible accommodation alternative use by St Francis School (education) or for short breaks (social care).

The remaining 21 responses were concerned about the proposed closure as it is seen by those respondents as a vital service for the St Francis pupils and their families. It was highlighted in the majority of these responses that the residential boarding gives the pupils an opportunity for independence, which prepares them for adulthood. Residential is also considered to be one of the pupil's only opportunities to socialise with their peers outside of the classroom and offers a more conventional childhood for a few nights.

As referred to above, all special schools must ensure that their main daytime curriculum covers all suitable preparation for adulthood and developing the skills and knowledge needed for independent living.

It was also highlighted that the residential staff are well liked and provide excellent care. Parents also like how their children are familiar with the residential staff, as they also know them through the main day provision.

The LA and school wish to support the staff and retain as many as possible through any redeployment opportunities. This may result in some of the staff that

the children are familiar with still being involved with the children of the school in some way.

The Anglican Diocese had no objections to explore the long term future of the boarding provision for St Francis Special School.

All comments made will be taken into consideration by the Executive Councillor in the decision making process.

It was not felt appropriate to hold a public meeting due to the Covid-19 pandemic, so a virtual information event was scheduled to take place online and offered to all interested parties. Information about this event was published on the LA's website and included in the letter. However, no one registered for the event, so it did not go ahead and parents of pupils were encouraged to either discuss the proposal with the school or to approach the School Organisation Team via email, phone or through writing a letter, in addition to the online survey.

Following the completion of the consultation period all feedback was considered with a full report (which is referred to in the Background Papers section below and will also be re-considered along with this report) by the Executive Councillor and a decision was taken on 1 December 2020 to proceed to Statutory Notice. A statutory 4 week Representation Period was entered into on 17 December 2020 commencing with the publication of the Statutory Notice (Appendix B) in the local press, on the Lincolnshire County Council's website and at the school gates.

The Complete Proposal, available in paper and electronic format (Appendix C) to which the Statutory Notice refers, was sent to interested parties as detailed in the statutory guidance and was also published on the website at www.lincolnshire.gov.uk/school-pupil-support/school-organisation-planning. The school also wrote to all parents of both St Francis and St Christopher's. The Representation Period provided 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. Four responses were received during the Representation Period, three were strongly opposed to the proposal and one supported the proposal if the boarding provision closed and places were offered to pupils under the short breaks arrangements. They also stipulated that they would not want the boarding provision to close prior to the LA agreeing on the future use of the facility.

The governing body has confirmed that they continue to support the proposal to close the boarding provision at St Francis School and recognise the positive opportunities it might bring to short breaks and children's home provision in the county. They have however asked that the LA are mindful of the potential impact from the increasing SEND pupil numbers on the number of short breaks places that may be needed in the future and that they had expected all of the accommodation to be required to increase the number of short breaks places now. However, options were explored to increase the number of short breaks beds and there is no evidence to support the need for extra places at this time. Any accommodation that is not used for an alternative use may be available to support the school through the SEND capital project, and there may be the opportunity to explore the possibility of additional short breaks places if required, before a long

term solution for all of the accommodation is confirmed. Whether there is a future need for additional short breaks places remains to be seen, but there is no case to support the need at this time, but any options for short breaks provision will be explored further before the future use of the accommodation is determined. The governing body also expressed concern about the impact of the loss of funding for the boarding provision if it is discontinued, but do not consider this a barrier to moving forward with the proposal and the LA will work with them to support the implementation of a sustainable financial position going forwards.

It should be noted that it was not possible to include the detail of the possible positive projects regarding Strut House and a new Children's Home as part of the original proposal to close the residential provision of the school, as those details have been developed as the consultation has progressed and continue to be explored. Consultees were asked to consider the proposal based on its own merits and how it *might* be an opportunity to explore other enhanced and expanded provision.

In developing the preferred options it will be shown how the feedback from the consultation has helped shape the potential future use of the accommodation.

Under current legislation the Local Authority is the decision maker for the proposal and is co-ordinating the statutory process before making a final decision in March 2021. 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.

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The decision of whether to proceed with closure of the boarding provision will be discussed by the Children and Young People Scrutiny Committee on 5 March 2021 and the comments will be reported to the Executive Councillor.

d) Risks and Impact Analysis

See the body of the Report

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Summary of Written Consultation Responses
Appendix B	Statutory Notice
Appendix C	Complete Proposal
Appendix D	Property and Site Information
Appendix E	Equality Impact Assessment

8. Background Papers

Document title	Where the document can be viewed
Proposal on the future of boarding provision at The St Francis Special School, Lincoln (decision to go to Statutory Notice)	Lincolnshire County Council Committee Records Reference I021051
The DfE guide "Making 'prescribed alterations' to maintained schools. Statutory guidance for proposers and decision-makers" (October 2018)	Available on request from the School Organisation Planning Team, Children's Services.
Individual consultation responses	Individual responses available to be viewed by the decision maker. Content of responses anonymised and summarised to this report in Appendix A.

This report was written by Matthew Clayton, who can be contacted on 01522 555353 or matthew.clayton@lincolnshire.gov.uk.