

<b>Subject:</b>	<b>Special Educational Needs and disability review- proposed closure of Patcham House Community Special School</b>		
<b>Date of Meeting:</b>	<b>13 June 2017</b>		
<b>Report of:</b>	<b>Executive Director- Families, Children &amp; Learning</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Regan Delf</b>	<b>Tel: 01273 293504</b>
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<b>Wards affected:</b>	<b>All</b>		

## **FOR GENERAL RELEASE**

*Note: The special circumstances for non-compliance with Council Procedure Rule 7, Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the information could not be analysed in time.*

*This report has been brought to the Children, Young People and Skills Urgency Sub-Committee as school organisation legislation provides that a decision must be taken by the Local Authority on proposals to close a school within two months of the end of the representation period and the scheduled meeting of the full committee is not due to take place until 19 June 2017. The representation period for the proposals relating to Patcham House Community Special School ended on 14 April 2017. As a decision must be made by 14 June 2017 it has been necessary to convene a meeting of the Urgency Sub-Committee in order to comply with statutory timescales.*

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report is the latest in a series taking forward wide-ranging recommendations resulting from the review of special educational needs and disability (SEND) provision that was initiated in 2014.
- 1.2 The recommendation in this report is part of the planned re-design of special school and Pupil Referral Unit (PRU) provision in the city, which
  - reconfigures our existing six special schools and two Pupil Referral Units into three 'hubs' offering enhanced education, health support and extended day provision on one site
  - is based on a vision to improve the integrated education, health and care offer for our most vulnerable young people
  - maintains the number of special school and PRU places available
  - consolidates provision so that it runs more efficiently and more sustainably into the future

- 1.3 Specifically the report provides feedback from the recent formal representation period following the issue of statutory notices in respect of the proposal to close Patcham House School from 31 August 2018 and seeks approval to the proposal.

## **2. RECOMMENDATIONS**

- 2.1 That the Urgency Sub- Committee should confirm the proposal contained in the statutory notice and make a final decision to close Patcham House Community Special School on 31 August 2018.

## **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The Local Authority (LA) began a wide ranging review of its provision for children with special educational needs and disabilities in 2014. There have been a number of milestones as the review has progressed towards more specific proposals for change. The proposed closure of Patcham House Community Special School is one of a number of proposals for change. Although this paper recommends the closure of Patcham House Community Special School, overall there will be no reduction in the number of special school places for children with SEND across the city. The review's journey is outlined in Appendix 1.

## **4. THE PROPOSED CLOSURE OF PATCHAM HOUSE COMMUNITY SPECIAL SCHOOL**

- 4.1 The local consultation on the proposed closure of Patcham House Community Special School ran from 6 October to 4 December 2016. There were 105 responses to the online consultation. 38% of respondents were in favour of the closure, and 50% were against closure. A more detailed analysis of responses received was included in the report to Children, Young People and Skills Committee in March 2017. Many of those against closure were staff, pupils and parents from the school. This is entirely understandable and it is undoubtedly the case that the school has provided well for many children over the years, and continues to do so for the small number of current pupils on roll. Those in favour of the proposal tended to be looking at the whole matrix of provision and were concerned about value for money in keeping such a small school going.
- 4.2 The report to Children, Young People and Skills Committee on 6 March 2017 set out the reasons for proposing to close the school and what follows here is a summary of the main issues raised in the local formal consultation:

#### 4.2.1 Why is Brighton & Hove proposing to close Patcham House Community Special School?

Historically this school has been a valuable asset to the city's provision for students with complex needs. However it has now become very small, requiring considerable financial subsidy and this questions its continued viability. The table below shows the past and predicted student numbers until the proposed point of closure.

Year	Commissioned place numbers	Student numbers
2012	50	47
2013	48	36
2014	40	40
2015	36	38
2016*	31	31
2017	22	20
2018	10	10 (estimated)
August 2018		2 (estimated)

*\*Since the consultation period began, admissions to Key Stage 3 have been restricted pending a decision about the school's future.*

Pupils attending the school travel from all parts of the city, and the closure of this school should not impact on community cohesion in Patcham.

#### 4.2.2 To what extent has the city considered keeping the school open?

Some respondents asked the LA to reinvest in the school to increase it in size and make it financially viable. As the DfE restricts the number of special school places it is prepared to fund within the LA, this would mean removing places from other more popular special schools and would in turn make them smaller. This would conflict with the overall drive of the wider SEND review to transform the city's provision into fewer schools (termed hubs) which are larger in size and can offer a wider range of services and create greater economies of scale. *National statistics: Special educational needs in England: January 2016* (Table 10) shows that the majority of Brighton & Hove current special schools are smaller than the national average.

Neither East nor West Sussex has expressed an interest in collaborating to keep Patcham House Community Special School open. Both LAs have already made changes to some of their own special provision to create larger more viable schools offering a broader curriculum to match a wider range of pupil need.

#### 4.2.3 How will current pupils be affected by the closure?

Under this proposal Patcham House Community Special School would close in August 2018 which would enable all the current Key Stage 4 pupils (nearly

all pupils are in Key Stage 4) to complete their education at the school. The very small number of pupils at the school who are currently in Year 9 would be found alternative suitable placements as part of a personalised pathway worked out with their families over a carefully managed time scale. Early preparatory work for this has already begun, so that options are explored in advance of any decision to close the school.

#### **4.2.4 What alternative options will be available in the city in the future for similar secondary aged pupils with complex needs?**

Patcham House Community Special School historically catered for children and young people deemed 'delicate' ie with long term physical health needs. Such schools were once commonplace nationally but over time most have closed as the pattern of children's needs has changed. Most children who need and can benefit from a mainstream curriculum now will be in mainstream schools with varying levels of support.

The school has been an integral part of the Patcham community over the years and it is acknowledged that it has served its community well. However locally one of the reasons for the falling roll at Patcham House Community Special School is that the pattern of parental preference has changed over time in the city, and parent/carers have opted for placements at other provision for their children both special and mainstream. Few of the students now live in the immediate locality and most travel to school independently from other parts of the city

Many of our secondary schools now have considerable experience and expertise in meeting the needs of those with complex learning difficulties. The Swan Centre at Brighton Aldridge Community Academy specialises in meeting the needs of those with language and social communication needs. In addition existing special provision at Hove Park School was reshaped in 2013 to create the Phoenix Centre Special Facility to cater for vulnerable pupils with social and communication difficulties and associated emotional needs. This has proved a successful addition to the capacity for this complex needs group offering inclusive opportunities as well as a more protected environment.

The LA has considered the 'SEN Improvement Test' as set out in DfE's Guidance for Decision Makers 2016 and has listened to concerns expressed by parents, particularly those whose children are on the autistic spectrum, and is proposing the following:

- 1 a new special facility catering for pupils with complex needs in a mainstream secondary school offering more capacity
- 2 for those pupils who cannot cope with a protected mainstream environment, places will be available in the three integrated hubs
- 3 for pupils with complex needs including autism/Asperger's Syndrome and challenging behaviour who need a mainstream curriculum, plans are being made to create bespoke provision for them within the SEMH hub

#### **4.2.5 What will happen to the money saved from the closure of Patcham House Community Special School?**

The SEND review is not a cost-cutting exercise as all money remains ring-fenced to children with SEN and disabilities. However the review is addressing the way money is spent to ensure best value is gained for all children and this cannot be the case where schools have falling rolls year on year as it requires the LA to provide financial protection to ensure they can remain open. Proposals are to significantly reduce the annual spend on 'financial protection' for schools with falling rolls which are otherwise not financially sustainable. Over the last five years, this 'financial protection' has amounted to just over £1 million across the city's special schools, of which £580,000 has been for Patcham House. In the financial year 2016/7, the budget for the Patcham House Community Special School was £604,462, which includes 'financial protection' of £150,000.

#### **4.2.6 What will happen to the staff?**

The local authority very much values the experience and expertise of those working at Patcham House Community Special School and wishes to retain this within the city as far as possible. All staff will have individual meetings to discuss their futures and any opportunities available. The LA does not have the authority to require all schools to give priority to re-deploying staff at risk, but will seek to use its influence constructively to find suitable opportunities for the valued staff who work at the school.

In the meantime, special school headteachers have agreed to give priority to Patcham House Community Special School staff when vacancies arise. In planning the new Special Facility, the LA will be asking the successful school to also give priority to employing Patcham House Community Special School staff and in informal discussion with schools bidding so far, all have agreed to consider this positively.

In terms of staff wellbeing at a difficult time, Public Health has offered a range of support services to staff and some funding for staff to organise support for themselves.

#### **4.2.7 What will happen to the site?**

As the school site has had spare room due to the falling roll, space has been used to offer temporary accommodation to the city's developing post 19 provision. In the longer term, the site may become surplus to requirements. However, at present no decision has been made about the site.

#### **4.2.8 How can secondary aged students continue to access an appropriate and creative curriculum to match their needs?**

Brighton & Hove is committed to ensuring that the needs of all the city's children and young people are met and can access a curriculum appropriate

to their needs. There is a perception amongst some respondents that the creative and varied curriculum offered at Patcham House Community Special School is only available there, but in fact, every special school in the city offers an array of diverse opportunities matched to the needs of individuals. All Brighton & Hove City Council's schools offer the national curriculum, differentiated to the needs of individuals as appropriate. This is evidenced in the very positive Ofsted reports that the city's special schools and mainstream schools hosting Special Facilities have received. The development of the hubs will enable this offer to be extended beyond the school day and to families.

#### **4.3 CONSULTATION RESPONSES**

4.3.1 All responses to the consultation on the closure of Patcham House Community Special School were carefully reviewed, alongside three other significant elements of consideration:

- the analysis of the current and future budget position
- the range of special provision that is or will be available for pupils with SEND similar to those whose needs have hitherto attended Patcham House Community Special School
- the wide support for the plan to transform current school based provision into three hubs which provide integrated provision across education, health and care

#### **5. DECISION MAKING**

5.1 Taking everything into account, Members gave agreement to proceed with the publishing of statutory notices in respect of the closure of Patcham House Community Special School with effect from 31 August 2018.

5.2 Statutory notices were published in the Brighton & Hove Independent newspaper on 17 March 2017. In addition, notices were displayed at the entrance to the school and at other places in the local community, including the local post office and library. The statutory notice stated how the full proposal information could be obtained.

5.3 The statutory notice forms part of the full proposal. Copies of the full proposal were sent to the governing body, the parent/carers of every registered pupil, neighbouring local authorities, the Anglican and Catholic dioceses, local ward member, the Children and Young People Committee, the Members of Parliament for Brighton & Hove and the Department for Education (DfE). Copies of the complete proposal would have been made available to anyone who requested a copy during the publication period. However, during the statutory notice period, no requests were received for the full proposal information.

5.4 The closing date for representations or objections was 14 April 2017. No representations or objections were received about the proposal during the statutory notice period.

- 5.5 Members are now asked to approve the closure of Patcham House Community Special School on 31 August 2018.

## **6. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 6.1 The proposals state that the intention is to retain at least the same number of specialist placements for children with SEN and disabilities but to re-structure and re-organise provision. This approach will safeguard Dedicated Schools Grant (DSG) high needs block funding levels whilst, at the same time, delivering greater economies of scale resulting in reduced unit costs.
- 6.2 It is anticipated that the closure of Patcham House will generate a saving of approximately £140,000. It is intended that this will form part of the wider savings of £700,000 that have been identified and can be achieved through economies of scale that will be delivered through the establishment of the integrated hubs.

*Finance Officer Consulted: Steve Williams*

*Date: 09/05/17*

### Legal Implications:

- 6.3 The Education and Inspections Act 2006, as amended, provides that the Local Authority is the decision maker on any proposals to close a school. The Urgency Sub- Committee of the Children, Young People and Skills Committee will act as the decision maker for the Local Authority on these proposals. The decision must be made within two months of the end of the representation period. The exact process by which the decision maker carries out their decision making process is not prescribed, however it must have regard to the statutory 'Guidance for Decision-makers' published by the DfE in April 2016.
- 6.4 The Guidance states that the decision-maker will need to be satisfied that an appropriate fair and open consultation and representation period have been carried out and that the proposer has given full consideration to the responses received. The decision maker should consider the views of those affected by a proposal or who have an interest in it, and should not simply take account of the number of people expressing a particular view. The greatest weight should be given to responses from those stakeholders likely to be most affected by a proposal, especially parents of children at an affected school.
- 6.5 When issuing a decision the decision-maker can;
- reject the proposal;
  - approve the proposal without modification;
  - approve the proposal with modifications, having consulted the LA;
  - approve the proposal-with or without modification- subject to certain prescribed conditions being met.

Equalities Implications:

- 6.6 An Equalities Impact Assessment was developed to inform the review and this has been updated as the review has moved towards more specific proposals for change. A commitment has been given to retain the overall number of places in special provision, and the places released from the closure of Patcham House Community Special School will be allocated to other schools. It is proposed that the city will continue to make provision for those with needs similar to those pupils who have historically attended the school, albeit in a different way.

Sustainability Implications:

- 6.7 The closure of the school will contribute to the objective of the wider SEND review to ensure that the city's provision for children and young people with SEND is sustainable into the future by being financially viable and having the capacity to make provision to meet the diverse needs of this vulnerable group. This will help young people to achieve their potential and take their place in the community.

## **SUPPORTING DOCUMENTATION**

### **Appendices**

#### **Appendix 1 The journey of the SEND review**

In 2014 the local authority undertook a broad review of existing provision for children and young people with special educational needs and disabilities with the community, including, pupils, parent/carers, schools, education, health and care professionals, all strategic partners and the voluntary and charity sector. The LA has an ongoing responsibility to keep its provision under review, and has already made some changes in response to the new Children and Families Act 2014. There have been a number of milestones as the review has progressed towards more specific proposals for change and the review's journey is outlined here:

#### **February 2015**

##### **Joint Children & Young People Committee and Health and Wellbeing Board -**

The committee approved the recommendations arising from the wide ranging review of special educational needs and disability in the Children's Services Directorate of the council.

#### **July 2015**

##### **Health and Wellbeing Board & Children Young People and Skills Committee -**

The board and committee approved the proposal to merge the Special Educational Needs and Disabilities (SEND) Review in Children's Service and the Learning Disability (LD) Review in Adult Services.



**November 2015****Joint Children & Young People Committee and Health and Wellbeing Board -**

The joint meeting of the Health and Wellbeing Board and Children Young People and Skills Committee on 10 November 2015 gave approval for an engagement process with key stakeholders around proposals to integrate education, health and care provision in special schools and Pupil Referral Units.

**January 2016**

**Children Young People and Skills Committee** - The committee approved the proposed timeline for the engagement process and subsequent actions to reorganise special provision for children with complex needs.

**June 2016**

**Children Young People and Skills Committee** - The committee noted the results from the open engagement phase on special provision and approved the governance arrangements and an updated timeline for taking forward proposals.

**October 2016**

**Children Young People and Skills Committee** - The committee agreed that the proposals that are the subject of this report should go out to formal consultation, including lowering the age range of Hillside and Downs View Community Special Schools and the proposed closure of Patcham House Community Special School.

**January 2017**

**Children, Young People and Skills Committee** - The committee agreed to publish statutory notices to extend the age range of Hillside and Downs View Community Special Schools. A further period of engagement about the structure of the new hubs began.

**March 2017**

**Children Young People and Skills Committee** - The committee agreed to the extension of the age range of Downs View and Hillside Community Special Schools to enable them to admit pupils from the age of two. Agreement was given to publish statutory notices in respect of the proposed closure of Patcham House Community Special School with effect from August 2018. A period of formal consultation was approved on the proposals to create three new hubs, two for those with learning difficulties and one for those with social, emotional and mental health needs.

