

Urgent Decision Taken on Behalf of Cabinet

Report to the Leader of the Council and Cabinet Member for Children, Young People and Schools

Report submitted by: Head of Service, Education, Quality and Performance

Part I

Electoral Divisions affected:
All divisions in East Lancashire (Pendle, Burnley, Hyndburn and Rossendale districts)

The Proposal to Close Hendon Brook Short Stay School

Appendices ('A' to 'C' refer)

Contact for further information:

Will Gale, Tel 07831264576 Senior Adviser, School Improvement Service,

Email: will.gale@lancashire.gov.uk

Executive Summary

On 16 January 2020, Cabinet agreed to the publication of a public notice to begin a representation period on the proposal to close Hendon Brook Short Stay School, Nelson, which would take effect from 31 August 2020. The formal consultation (or representation) period took place from 31 January to 28 February 2020.

As part of the process, a decision should now be taken about the proposal by Lancashire County Council. This decision should be taken within two months of the representation period ending.

This is deemed to be a Key Decision and the provisions of Standing Order C21 have been complied with.

Reason for Urgency

This decision is urgent and cannot await the next meeting of Cabinet. The reason for this is that all formal meetings of the council, including Cabinet, have been cancelled for the foreseeable future and this decision has been deemed to be business critical by the relevant Executive Director. This decision is therefore being taken on behalf of Cabinet by the Leader of the Council and the Cabinet Member for Children, Young People and Schools in accordance with the provisions of Standing Order C16(1).

This is deemed to be a Key Decision and the provisions of Standing Order C21 have been complied with.

Recommendation

The Leader of the Council and the Cabinet Member for Children and Families are asked to:

- (i) Consider the information in this report.
- (ii) Approve the proposal as detailed in the public notice to close Hendon Brook Short Stay School with effect from 31 August 2020.
- (iii) Approve that an appropriate decision letter be sent out, to give the reasons for the decision to those who are to be informed of them.

This decision should be implemented immediately for the purposes of Standing Order C29 as any delay could adversely affect the execution of the county council's responsibilities. The reason for this is that the decision has been designated as business critical by the relevant Executive Director, and any delay in its implementation would have an adverse affect on the operations of the county council.

Background and Advice

Lancashire County Council initiated the process in relation to the proposal to close Hendon Brook Short Stay School on 13 June 2019, when Cabinet approved a stage 1 consultation on the proposal, owing to low educational standards at the school, the failure to secure a sponsor for conversion to academy status and the availability of alternative placements for pupils in the area.

Following consultation, on 16 January 2020, Cabinet gave approval for a stage 2 public notice to be published and for a stage 3 representation period to be undertaken on the proposal to close the school. The public notice is set out at Appendix 'A' and the accompanying proposal is set out at Appendix 'B'. The reasons for the proposal were the same as stage 1; low educational standards and the availability of alternative placements. In addition, in the time that had elapsed between stage 1 and stage 2, a further fall in the numbers on roll were making the school educationally and financially unviable. By January 2020, all the remaining pupils on roll were being educated off-site at other education establishments.

Hendon Brook Short Stay School is a local authority maintained pupil referral unit, for children aged 4 to 11 years, located in Nelson and serving all electoral districts in East Lancashire. As of 1 March 2020, there were 11 pupils on roll, all of whom were being educated off-site.

Consultations

The Department for Education's guidance states that proposers, in this case the local authority, must consult groups and individuals they feel to be appropriate. In line with this, the local authority published a stage 2 public notice and an accompanying proposal document on 31 January 2020, the first day of the stage 3 representation period. These documents were available on the Lancashire County Council website

and were widely circulated to interested parties, such as Pendle Borough Council, Lancashire County Councillors for East Lancashire districts, and Ofsted. The school also made arrangements to share this information with parents, carers, staff and governors and to display the public notice.

No responses were received during the representation period.

Implications:

This item has the following implications, as indicated:

Risk management

The authority has a statutory duty to secure high quality school places for its residents. Alternative school places can be secured for any current pupils affected by the proposed closure, and future placements can be secured at other types of alternative provision.

There are implications for the small number of staff still employed by the school but the authority has experience in staff redeployment and retraining and a good record in avoiding compulsory redundancies. The Human Resources Service at Lancashire County Council is already supporting the school with staffing reduction procedures necessitated by the fall in pupil numbers.

Financial

The current and increasing budget deficit of £200,000 is unsustainable going forward. When any school is closed by an authority any balance or deficit reverts to the authority.

Equality and Cohesion

An Equality Analysis has been completed and is set out at Appendix 'C'. All pupils currently on roll have special educational needs which are long term and therefore a protected characteristic under disability status. The pupils' interests are being protected by ensuring statutory assessment of their needs is taking place, which will result in suitable school places being identified.

List of Background Papers

None

Reason for inclusion in Part II, if appropriate

N/A

Urgent Decision Taken on behalf of Cabinet: Declarations

Leader of the Council and Cabinet Member for Children, Young People and Schools

The Proposal to Close Hendon Brook Short Stay School

Original recommendation, as set out in the report, approved without amendment. Yes/No *

Original recommendation amended and decision as follows: Yes/No *

I have a pecuniary/non-pecuniary interest in this matter. Yes/No *

If an interest is declared please give details below:

.....
Leader of the County Council

insert date

Chief Officer

I certify that this is an appropriate and accurate record within the terms of Standing Order C30(2) and (3) of the decision taken by the Cabinet Member.

.....
insert title of authorising officer

insert date

*Delete as appropriate

This decision is to be taken by more than one Cabinet Member and all relevant Cabinet Members must be in agreement with the decision

Urgent Decision Taken on behalf of Cabinet: Declarations

Cabinet Member for Children, Young People and Schools

The Proposal to Close Hendon Brook Short Stay School

Original recommendation, as set out in the report, approved without amendment. Yes/No *

Original recommendation amended and decision as follows: Yes/No *

I have a pecuniary/non-pecuniary interest in this matter. Yes/No *

If an interest is declared please give details below:

.....
Cabinet Member for Children, Young People
and Schools

insert date

Chief Officer

I certify that this is an appropriate and accurate record within the terms of Standing Order C30(2) and (3) of the decision taken by the Cabinet Member.

.....
insert title of authorising officer

insert date

*Delete as appropriate

This decision is to be taken by more than one Cabinet Member and all relevant Cabinet Members must be in agreement with the decision