

## Report to the Cabinet

Meeting to be held on Thursday, 16 January 2020

### Report of the Head of Service - Education, Quality and Performance

#### Part I

Electoral Divisions affected:  
Pendle, Burnley, Hyndburn  
and Rossendale.

### Future of Hendon Brook Short Stay School, Nelson

(Appendix 'A' refers)

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#### Executive Summary

Between 9 September and 18 October 2019, the local authority consulted on a proposal to close Hendon Brook Short Stay School, Nelson, with implementation commencing from 31 August 2020. Under the standard process, the authority is now required to consider the responses to the stage 1 consultation and decide whether to publish a Public Notice on the proposal.

The purpose of this report is to provide the information necessary for that decision to be considered.

#### Recommendation

Cabinet is asked to:

- (i) Note the consultation arrangements that were undertaken and the responses that were received in response to the authority's proposal.
- (ii) Approve that the authority publishes a Public Notice of its proposal to close Hendon Brook Short Stay School, Nelson, with implementation commencing from 31 August 2020.

#### Background and Advice

On 13 June 2019, Cabinet approved that a stage 1 consultation be undertaken on the proposed closure of Hendon Brook Short Stay School due to:

- a) continuing poor educational standards at the school;

- b) failure, in conjunction with the Regional Schools' Commissioner, to secure a sponsor to convert the school to an alternative provision academy;
- c) a fall in the numbers on roll at the school making it educationally and financially unviable;
- d) the development of alternative placements for pupils who are permanently excluded in East Lancashire.

Hendon Brook is a local authority maintained short stay school, located in Nelson, for children aged 4 to 11 years, who cannot be found places at other schools. The vast majority of pupils attend the school, as a result of being permanently excluded from primary schools in Pendle, Burnley, Hyndburn and Rossendale.

The school was rated by Ofsted as inadequate in April 2017. A monitoring visit took place in January 2019, which concluded the school was not taking sufficient action to remove the need for special measures.

Since April 2017, attempts have been made to identify a sponsor willing to lead the conversion of the school to an alternative provision academy. These attempts have been unsuccessful and, in the circumstances, the Minister of State and the Regional Schools' Commissioner have shown a willingness to support the proposal.

As of 5 November 2019, the school has 15 pupils on roll (compared with a maximum capacity of 34), and the number continues to reduce as pupils move to other schools. There are plans in place to move nearly all pupils to other schools by January 2020. As a result, it is becoming increasingly difficult to maintain the full breadth of curriculum and the range of staff expertise required to secure improvements in standards. The falling numbers also adversely affects the financial viability of the school, because its income is substantially reduced and the deficit accrued is rapidly increasing.

The authority's Commissioner for Alternative Provision has been active in negotiating placements for pupils at other establishments, and is addressing the continuing statutory requirement to find placements for pupils who have been permanently excluded from primary schools in the region. Although this may mean pupils who live very close to Hendon Brook may have to travel further, for the majority of current and future pupils, travel distance is unlikely to increase significantly.

The Department for Education's guidance, 'Opening and Closing Maintained Schools' gives the following key reasons for closing a maintained school:

- *There are surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicated demand for the school in the medium to long term.* This will apply in the near future, as alternative placements are identified and developed. By August 2020, there should be little adverse effect of a closure on the local community, standards in neighbouring schools or on travel and transport.
- *It has been judged inadequate by Ofsted and there is no sponsored academy solution.* This very much applies to Hendon Brook in its current situation, where two years of seeking an academy solution have not resulted in a successful outcome.

- *It is no longer considered viable.* The reduction in numbers on roll has reduced the school's income to a level which increasingly threatens its viability.

### **Closing a Maintained School: Guidance and Process**

There is a defined process in the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, which should be followed before making a decision on the closure of a maintained school. This is supplemented by further guidance on the process published by the Department for Education.

A broad timetable, which is subject to change, for the overall process to be applied to a proposal to close Hendon Brook Short Stay School is set out below:

<b>Action</b>	<b>Start</b>
Cabinet approval to consult	13 June 2019
Stage 1 Consultation	9 September 2019 – 18 October 2019
Report back on consultation and Cabinet decision whether to publish Public Notice <b>CURRENT STAGE</b>	16 January 2020
Stage 2 and 3 Publication of Public Notice and representation period	January/February 2020
Stage 4 Decision	April 2020
Stage 5 Implementation	August 2020

### **Consultations**

The Department for Education's guidance, 'Opening and Closing Maintained Schools' states that proposers, in this case the local authority, should consult organisations, groups and individuals they feel to be appropriate.

In line with the guidance, a consultation document was produced, which is set out at Appendix 'A', which was available on Lancashire County Council's website and was widely circulated to interested parties, such as families, staff and governors at the school, Pendle Borough Council, county councillors for Pendle, Burnley, Hyndburn and Rossendale, primary schools in East Lancashire and other stakeholders.

This report is requesting the publication of a Public Notice (Stage 2), which will lead to a further consultation (Stage 3), in order to determine the proposal.

For the consultation, questionnaires were included in the consultation document and made available at the school. Online questionnaires could be accessed at [www.lancashire.gov.uk](http://www.lancashire.gov.uk).

The main question in the consultation document asked respondents to state whether they agreed or disagreed with the proposal to close the school. The responses received were as follows:

Number of responses	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree
7	0%	0%	0%	14% (1/7)	86% (6/7)

It should be noted that this was a very low response to a document which was circulated to a very wide audience.

In addition, respondents were asked how the proposed closure would affect them and if they had any additional comments. Their concerns can be summarised under the same headings as the issues raised during the consultation event (see below).

During the consultation period, a consultation event was held at the school between 3pm and 8pm on 25 September 2019 for parents, staff, governors and any other interested parties to ask questions and make comments on the proposal. Eight individuals attended the event. These comprised two members of staff, one parent, one governor, and representatives of four local schools.

Local Authority staff in attendance were as follows: Senior Adviser for Special Educational Needs, Senior Adviser for the Monitoring and Intervention Team, Human Resources Services Manager (Schools), Schools' Financial Adviser, and Senior Manager for Alternative Provision.

At the event, attendees were asked whether they would be in support of the school closing, or if they wished to raise issues about the potential impact of closure. All of those attending wished to raise issues about the impact of closure. The main points they raised were as follows:

1. The need for alternative provision for pupils who are permanently excluded or at risk of exclusion

Concern was expressed at the lack of information on proposals to provide suitable alternative places for (current and future) pupils should Hendon Brook close.

The Local Authority response to this concern is as follows:

If Hendon Brook were to close, the authority's Commissioner for Alternative Provision would be able to secure places at existing providers with expertise in the field and the authority continues to work with schools in the region to reduce the level of exclusion.

2. The loss of staff specialist skills in meeting the needs of pupils

Concern was expressed about the potential loss of the staff skills in meeting the needs of pupils who had not flourished in previous schools and who were often reluctant learners.

The Local Authority response to this concern is as follows:

If Hendon Brook were to close, the authority's Commissioner for Alternative Provision's quality assurance system will provide a mechanism to ensure pupils are placed with providers able to meet their needs.

3. The impact on Hendon Brook staff, which could involve them losing their jobs

The Local Authority response to this concern is as follows:

Human Resources expertise is being made available to staff to support them in considering potential future options.

Please note: A formal consultation was not conducted with Hendon Brook pupils, because the expectation of short stay schools is that pupils are moved to a permanent place at another school after a maximum of two terms attendance, or as soon as possible thereafter. Consequently, very few current pupils, if any, are likely to be affected by the proposal.

**Implications:**

This item has the following implications:

**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 staff employed in 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 £200k is unsustainable going forward. When a school is closed by an authority, any balance or deficit reverts to the authority.

**Equality and Cohesion**

A full Equality Analysis will be completed and reported at the determination stage of the proposal.

**List of Background Papers**

Paper	Date	Contact/Tel
None		

Reason for inclusion in Part II, if appropriate

N/A