

## Report to the Cabinet

Meeting to be held on Thursday, 2 December 2021

### Report of the Executive Director for Education and Children's Services

#### Part I

Electoral Division affected:  
Lancaster Rural East;

**Corporate Priorities:**  
Delivering better services;  
Caring for the vulnerable;

### Future of Wennington Hall School

(Appendix 'A' refers)

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#### Brief Summary

Between 6 September and 17 October 2021, the authority consulted on a proposal to close Wennington Hall School, with implementation commencing from 31 August 2022. Under the statutory process, the authority is now required to consider the responses to the stage 1 consultation and decide whether to publish a Statutory 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 respect of the authority's proposal.
- (ii) Approve that the authority publishes a Statutory Notice of its proposal to close Wennington Hall School, with implementation commencing from 31 August 2022.

## Detail

On 1 June 2021, the Leader of the County Council and the Cabinet Member for Education and Skills approved, on behalf of Cabinet and in accordance with the provisions of Standing Order C16(1), that a stage 1 consultation be undertaken on the proposed closure of Wennington Hall School. The associated report highlighted that, following the process to procure an appropriate independent provider to take over the running of the educational provision at Wennington Hall School, no contract could be awarded. Prior to the procurement, no appropriate academy sponsor could be identified and the Minister agreed the revocation of the Academy order, subject to a provider being found, which did not leave the county council the option to maintain the school. The school's financial viability remained threatened so there was little option but to consult on the proposed closure of the school.

Wennington Hall is a local authority maintained residential special school, for children and young people aged 11 to 16, with social emotional and mental health needs. The school has a designated capacity of 80 pupils, including 20 single occupancy residential places for 38 weeks a year. There are currently 16 young people on roll and alternative school placements are being considered for two of these pupils, with a view to them transferring to their new schools before the end of the autumn term. Seven of the remaining 14 pupils will turn sixteen during the course of the current academic year and will therefore leave the school in July 2022. All pupils now attend on a day basis and there are no longer any residential pupils.

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

The Department for Education's statutory guidance, 'Opening and Closing Maintained Schools' includes the following reasons for the discontinuance of a maintained school:

- *It has been judged inadequate by Ofsted and there is no sponsored academy solution.*
- *It is no longer considered viable.*

In December 2016, an Ofsted inspection judged the school Inadequate and, as a result, the school was issued with a directive academy order. A further Ofsted inspection took place in July 2019, when the school was judged to be inadequate and in need of significant improvement. Ofsted undertook a further monitoring inspection in March 2021 which identified serious concerns relating to the school's culture of safeguarding and pupil's behaviour. There has been a recent Ofsted visit and at the time of writing the report was not available.

Following the process to procure an appropriate independent provider to take over the running of the educational provision at Wennington Hall School, no contract could be awarded. Prior to the procurement, no appropriate academy sponsor could be identified and the Minister agreed the revocation of the Academy order, subject to a provider being found, which did not leave the council the option to maintain the school.

Since 2016, there has been a significant reduction in the number of pupils on roll at the school. The school's financial viability has remained threatened so there was little option but to consult on the proposed closure of the school.

There is a defined statutory process in the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 which must 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.

There are five statutory stages for this proposal as set out below:

<b>Stage1</b>	<b>Stage 2</b>	<b>Stage 3</b>	<b>Stage 4</b>	<b>Stage 5</b>
<b>Consultation</b>	<b>Publication</b>	<b>Representation</b>	<b>Decision</b>	<b>Implementation</b>
No longer than 12 months and a minimum of 6 weeks during school term time is recommended.	<p>Publication of statutory notice in appropriate local newspaper, on school premises and at all entrances of the school, within 12 months of the consultation.</p> <p>An accompanying proposal is also required.</p>	Must be a minimum of 4 weeks, from the date the statutory proposal is published.	<p>Local authority as the decision-maker must determine proposals within 2 months.</p> <p>If longer, must be referred to the schools' adjudicator within a week of the end of the 2 month period.</p> <p>Appeal may also be made to the adjudicator within the 4 weeks following publication of the Local authority's decision by Diocesan Board of Education for any diocese in the Church of England in the local authority area and/or the bishop of any Roman Catholic Church in the local authority's area.</p>	No prescribed timescale, but proposers must be expected to show good reason if the timescale is longer than 3 years.

The Stage 1 consultation has now been completed and a decision is required on whether to publish a statutory notice.

## Consultations

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

In line with the statutory guidance, a consultation document was produced, which is set out at Appendix 'A'. This had been published on Lancashire County Council's website and was promoted to interested parties, such as families, staff and governors at the school, Lancaster City Council, special schools throughout Lancashire, and libraries in the Lancaster area. Questionnaires were included within the consultation document.

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

Due to the COVID-19 pandemic, hard copies of the consultation document could not be obtained from the school but could be requested from Lancashire County Council. Links to the consultation booklet and online questionnaire for circulation to staff and parents were sent to the school in advance of the consultation going live.

The first question in the consultation document asked respondents to state whether they were for or against the proposal to close Wennington Hall School from 31 August 2022.

Number of responses	4
For	1
Against	3

Respondents were invited to say why they responded as they did.

The respondent who was for the proposal felt the school had changed over the years.

Those who were against the proposal felt there had been a lack of support from Lancashire County Council, meaning that the school had been set up to fail; this lack of involvement had led to a lack of continuity in the leadership of the school with a number of interim head teachers coming and going. Others made reference to the need to educate pupils, and that Wennington was able to do this with skilled and dedicated staff.

In response to the effect of closure on respondents, the impact of redundancy was most frequently mentioned, specifically loss of income, financial security and professional reputation. One respondent also talked about the damage done to their confidence to move on in teaching. The hard work of those who have striven to maintain high expectations and standards in the classroom in such difficult circumstances was felt by them to not have been recognised.

Strong comments were made in the section asking for anything else respondents would like to tell Lancashire County Council. One respondent felt it was disgraceful

that they were having to comment on the closure of a school that they felt was staffed by people who went 'above and beyond' to support the boys and their families, socially, emotionally and educationally, as well as by providing them with basic provisions during the pandemic. They felt there was no justification for closing the school and that it provided a good education.

Another responder felt that they would struggle to find a new position, given their age and the stigma attached to having been working in a school that had received so many negative reports from Ofsted inspectors, particularly with regard to the quality of teaching.

There was a suggestion that the school should remain open until all current pupils had reached and completed Year 11.

Opportunities to attend consultation events via Zoom for staff, governors, parents and other interested parties were offered during the week of 20 September. However, these did not take place as there was no uptake.

A consultation event specifically for trade union representatives took place via Zoom at 5.30 pm on Tuesday 14 September. A number of questions were posed, focussing on the sufficiency of alternative places, impact on staff, impact on pupils and the future of the Wennington site.

The Local Authority's response to the issues and concerns is as follows:

The authority has supported the school and worked closely with the Headteacher and Governing Body. More recently, an Interim Executive Board has been established to strengthen further the support available.

There is much respect for the feelings expressed by loyal staff, some of whom are responsible for the provision of good learning experiences for the children. However, as Ofsted has judged the provision as Inadequate since 2016, and with the academy order revoked subject to an independent provider being found, the authority must consider opportunities for children and young people to attend better quality provision.

The authority is aware of the potential impact on the emotional wellbeing and mental health, brought about by the current status of the school and its uncertain future. The school commissioned a counsellor who works with both staff and children, and the school is also engaged with the county council funded Emotional Health in Schools and Colleges support programme for staff.

There has been engagement with parents and carers to provide an opportunity to consider alternative places for all current pupils. Travel times have been part of the consideration and, in some cases, children will be travelling shorter distances than currently.

The option for the school to remain open until all current pupils have reached and completed Year 11 was not considered to be in the best interests of the children, due to the very small number of children who would remain on roll, the excessive cost of

maintenance of the site and the poor quality of the experience a group as small as 3 children would have in a school with a capacity for 80.

If a decision is made to close the school, the building would be handed back to the local authority on the designated closure date. Cabinet would be required to approve any change of use of the building or any disposal of the site. This would involve approval from the Secretary of State which could be quite a lengthy process. However, no decision could be made on the future use of the site, until a decision was made to close the provision.

A group of 5 children, currently in Year 10, were asked what they would want to happen, in terms of continuing their education if the school were to close. There was interest in pursuing mainstream options and all had a career pathway in mind. Staff had reported that, during the most recent Ofsted visit, all the boys who spoke to the inspectors said they did not want their school to close.

### **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 current pupils affected by the proposed closure.

### **Human Resources**

There are implications for staff employed in the school; the authority has experience in staff redeployment and retraining.

### **Financial Implications**

The school has a cumulative deficit of over £1.77million. This deficit is currently forecast to rise by circa £0.8 million in 2021/22, circa £1.0 million in 2022/23 and £1.0 million in 2023/24, if no further action is taken.

When a local authority discontinues its maintenance of a school, a deficit balance reverts to the authority and will need to be funded from the authority's budget. There is therefore a financial risk to the county council.

### **Equality and Cohesion**

Should there be a determination to close the school, this proposal will have a significant impact on the protected characteristics groups of age (young people), sex/gender as all the pupils are boys, and disability for pupils at the school, and on employees as it will potentially result in a change of school and/or employment for those involved. Whilst the number of pupils is small, the impact on them will be significant and the nature of their conditions may make it more difficult for the pupils and their carers/families, than for pupils without such disabilities. A full Equality

Impact Assessment will be provided to assist at the determination stage of the proposal.

### **Property Asset Management**

Should there be a determination to close the school, the county council would continue to be responsible for property holding costs, until such time as the future of the site is determined. Should a subsequent decision be taken to dispose of the site, then the Department for Education guidance on transactions relating to school land would need to be taken into account.

### **List of Background Papers**

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A