

Report to the Cabinet

Meeting to be held on Thursday, 3 March 2022

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

Part I

Electoral Division affected:
Lancaster Rural East;

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

Proposed Closure of Wennington Hall School

(Appendices 'A' to 'C' refer)

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Brief Summary

On 2 December 2021, Cabinet agreed to a statutory notice being published to begin a representation period on the proposed closure of Wennington Hall School. A statutory proposal document was published in relation to the proposed closure of the school, with implementation commencing on 31 August 2022. The representation period took place from 10 December 2021 to 7 February 2022.

As part of the statutory process, a decision should now be taken about the proposal and this will be done by Lancashire County Council, which is the decision maker. If the authority does not make a decision within two months from the end of the representation period, the proposal and any representations about the proposal must be passed to the schools adjudicator for a decision.

This is deemed to be a Key Decision and the provisions of Standing Order C19 have been complied with.

Recommendation

Cabinet is asked to:

- (i) Consider the information in this report.
- (ii) Approve the proposal as detailed in the statutory notice to close Wennington Hall School, with effect from 31 August 2022.

(iii) Approve that an appropriate statutory decision letter be sent out, as specified under legal requirements, to give the reasons for the decision to those who are to be informed of them.

Detail

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 15 young people on roll. Eight of the remaining 15 pupils will have turned 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.

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.

The consultation received four responses and highlighted a number of concerns should the school be closed. In the main, these related to the impact of redundancy, specifically loss of income, financial security and professional reputation. There were also concerns raised about the sufficiency of alternative education places for pupils affected by the closure.

On 2 December 2021, Cabinet gave approval for a stage 2 statutory notice to be published, and for a stage 3 representation period to be undertaken in relation to the proposal to close Wennington Hall School. The reasons for the proposal were the same as contained within the stage 1 consultation that, as no appropriate academy sponsor could be found, no contract with a provider to run the school could be awarded and, as the Minister had agreed the revocation of the Academy order, subject to a provider being found, the county council did not have the option to maintain the school and the school's financial viability remains threatened.

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:

Action	Start
Cabinet approval to consult	1 June 2021
Stage 1 Consultation	6 September to 17 October 2021
Report back on consultation and Cabinet decision whether to publish Statutory Notice	2 December 2021
Stage 2 and 3 Publication of Statutory Notice and representation period	10 December 2021 to 7 February 2022
Stage 4 Decision - CURRENT STAGE	3 March 2022
Stage 5 Implementation	Following decision with closure on 31 August 2022

The county council published a stage 2 statutory notice and an accompanying proposal document on the council website on 10 December 2021, the first day of the stage 3 representation period. The Stage 3 representation period was initially planned to run to 31 January 2022, but was extended to 7 February 2022, to provide additional time for receipt of any representations following publication of the notice in the Lancaster Guardian on 30 December 2021.

No responses were received during the representation period.

The county council, as decision maker, must now determine whether to close the school.

The statutory notice, accompanying proposal, and the Equality Impact Assessment can be found at Appendices 'A' to 'C' respectively.

Factors Relevant to all Types of Proposal

Local authorities are under a statutory duty to ensure that there are sufficient school places in their area, to promote high educational standards, to ensure fair access to educational opportunity and to promote the fulfilment of every child's educational potential. To help local authorities to meet their duties and restructure local provision, they have the power to close all categories of local authority maintained schools. Reasons for closing a maintained mainstream school include where it is surplus to requirements (for example there are sufficient places in neighbouring schools to accommodate displaced pupils) or where it is failing and there is no viable sponsored academy solution.

The Department for Education's statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals, published in November 2019, sets out a number of factors which must be taken into consideration for all types of proposal. These factors have been considered in the development of the full proposal to close Wennington Hall School, as set out at Appendix 'B'.

Conclusions

The factors which led to the proposal to consult on the closure of Wennington Hall School remain. No appropriate academy sponsor could be found. The Minister had agreed the revocation of the Academy order, subject to a provider being found to take over the school. 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. The county council is not left with the option to maintain the school and the school's financial viability remains threatened.

Ofsted's last full inspection of the school took place in July 2019, judging the school to need significant improvement. This followed the previous full inspection by Ofsted in December 2016, which rated the school as in need of special measures. This indicates the school has not shown sufficient evidence of improvement during this period, and that it requires new arrangements to secure substantial improvement.

If the decision is taken to close Wennington Hall School, places for children for whom it is agreed that special school provision continues to be required will take account of parental preference, the child's views, distance from home and the confidence of the proposed school to meet the identified needs. Schools within the maintained and non-maintained/independent sector will be considered. The local authority will continue to work with the school to ensure stability in provision, and to work on implementing the decision during the remainder of the Spring and Summer Term, prior to the proposed closure on 31 August 2022.

More broadly, the SEND Sufficiency Strategy 2020 supports the presumption for mainstream provision, as outlined in the SEND Code of Practice. Following Cabinet approval in September 2021, 7 SEND units within primary schools are currently being set up, each providing for up to 16 children with social, communication and interaction needs, and feasibility studies for more SEND units are being carried out in another 9 mainstream schools. An additional 132 places are also being made available by expanding 2 existing special schools. In addition, the creation of satellite extensions to other special schools on mainstream sites will enable children to benefit from the expertise of specialist teachers, at the same time as being able to enjoy inclusive opportunities alongside mainstream peers. The creation of these additional places will help ensure sufficient specialist provision is available in the future, should Wennington Hall School close.

This report demonstrates that, on the basis of the Department for Education criteria, the decision maker is recommended to approve the proposal to close Wennington Hall School, with effect from 31 August 2022.

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 of Wennington Hall School.

Human Resources

There are implications for staff employed in the school and although compulsory redundancies will be inevitable should the school close, the county council's Human Resources team has been in contact with all the staff to make them aware of their options for the future.

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

An Equality Impact Analysis has been provided at Appendix 'C'.

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		
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Reason for inclusion in Part II, if appropriate		
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