

Children's, Young People and Education Scrutiny Commission Report

Millgate School Residential Review

Lead Member: Cllr Elly Cutkelvin

Lead Strategic Director: Martin Samuels

Date: 18 January 2022

Useful information

- Ward(s) affected: All
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1. Summary

- 1.1. The purpose of this report is to provide the Children's, Young People and Education Scrutiny Commission with an overview of the findings from a strategic commissioning review of Millgate School's overnight respite / residential provision. Millgate School is a school for children with special educational needs and specialises in provision for pupils with Social Emotional and Mental Health needs.
- 1.2. The review took place between June and September 2021, to understand the benefits of the provision, which is funded from the High Needs Block grant, which the Council receives to provide educational support to children and young people with special educational needs and disabilities.
- 1.3. The cost of the provision is £400k per annum and the High Needs Block grant is predicted to be overspent by £7.5m for 2021/22. The local authority is required to manage within the budget and no longer able to top-up from local authority reserves.
- 1.4. The review involved the school staff, pupils, parents, Special Education Needs & Disabilities Services (SEND), Children's Social Care, and the City of Leicester Association of Special Schools (CLASS) Headteachers.
- 1.5. The school provides overnight respite / residential provision for up to 8 pupils a night, for 5 nights a week throughout term-times, approximately 30% of the school population access it annually. Whilst the provision is highly regarded by parents and carers of those children who attend, there is no tangible evidence that the facility significantly improves the educational attainment for children using the provision or reduces cost elsewhere to the local authority, in terms of reducing the number who would require statutory interventions.
- 1.6. The provision is accessible to Millgate School pupils only and not the wider SEND population, of over 1,000 pupils across all special schools.
- 1.7. Three options for the future of the provision have been proposed for consideration and are presented in paragraph 5.13.
- 1.8. The Executive has been recommended to consider Option 3, which seeks to take savings offered by the school for 2021/22 and then seeks to end the funding over a further 2-year period.

2. Recommendations

2.1. The Scrutiny Commission is recommended to:

- Note the context of the report and findings from the review
- To note the preferred Option (3)
- To provide comment / feedback

3. Scrutiny / stakeholder engagement

3.1. The review was intended to take place May – July 2021, however this was extended through until late September to allow for the summer holidays, further clarifications from the school, and full engagement from stakeholders.

3.2. The approach to the review involved

- Qualitative evidence from school staff, school pupils, parents (identified by the school) and wider stakeholders, including City of Leicester Association of Special Schools (Head teachers). In addition, information from Special Education Needs Heads of Service and Children Social Care and Early Help Heads of Service was also considered as part of the review.
- Quantitative data provided by the school and from school census data.

4. Background and options with supporting evidence

4.1. It was agreed in March 2021, following on from the Re-alignment of Special School Funding Report, the council would undertake a strategic review to understand the purpose and benefits of the overnight respite / residential provision at Millgate School to ensure fairness, transparency and accountability. The purpose of the review was to consider:

- the provision/ service delivered to pupils
- cost of operating the provision
- the impact and outcomes the provision offers to the pupils
- alignment to the strategic priorities of the local authority

4.2. Millgate School has had a residential provision since 2002, with their first Ofsted inspection in 2003. Most of the inspections have noted the provision as Outstanding.

4.3. The school has grown in recent years to almost 120 pupils, with a majority being boys, except for 2 girls recently placed in the school's primary cohort. All pupils at the school have Education, Health and Care Plans (EHCPs) and the school specialises in provision for pupils with Social Emotional and Mental Health (SEMH) needs.

4.4. The school until recently (August 2021) was federated to Keyham Lodge school, however both schools have now joined the Discovery Trust (September 2021).

5. Detailed report

5.1. The residential provision prior to covid-19, enabled up to 8 pupils a nightly stay in the 'flat' (as it is also known). This enabled pupils to join in with the 'extended day' activities, before joining the residences for a more structured evening, including an evening meal, further activities, homework time and a night's sleep in their own room. There are 2-night staff who sleep onsite with the pupils, and additional staff who support through the 'extended day' activities and into the evening.

5.2. The school on average operated this for 179 nights over the school year. Pupils were able to access based on a rota basis, identified by staff, during 2018/19 this access equated to 34% of the schools 103 pupils.

5.3. During covid, the school reduced its pupil numbers down to 4-5 pupils a night, but for a longer period of 3 nights, and offered more targeted use, based on families identified by the school who needed additional support. Just over 33% of the 120 pupils were able to access the provision during 2020/21, with the school operating the residence for 148 nights.

5.4. The school confirmed it does not take referrals from other professionals, and decisions for access are based on the knowledge and expertise of the school staff.

5.5. The school confirmed the budget for the residential provision was interlinked to the wider extended day provision, broken down into five areas:

- Staffing
- Leadership
- Residential expenses
- Extended day
- Catering

The most substantial costs being staffing and leadership. The school have also forecast a proposed reduction for 2021/22 costs by £100k.

5.6. During the review the school provided case studies evidencing the impact the provision has on its pupils their wellbeing and education, alongside data relating to pupil's attainment, attendance, behaviour and achievement. This also includes:

- Better concentration whilst in school
- Completion of homework
- Greater awards for good schoolwork
- Improved attendance including punctuality and overall attendance

5.7. Several pupils were able to chat with Officers undertaking this review during a visit to the flat. Their feedback, on the flat and the role it plays in their lives, statements made by the pupils included:

- *Being in the flat, we do things we wouldn't do at home.*

- *We're able to sleep well, there are ground rules which would mean we have to be in our bedrooms at a set time.*
- *We're able to be with friends and staff are really supportive.*

5.8. Parents (identified by the school) were spoken to as part of this review to gather their views and feedback on the impact and outcomes the provision provides for their child, themselves and their families. Key comments included:

- Children can wash and complete personal hygiene at home.
- Thought child would end up in prison and the school have turned his behaviour around
- Child is calmer at home and is more respectful and has improved relationships
- Parents are able to support other siblings who also have complex needs
- Helps with parents' mental health issues
- The energy, commitment and knowledge of the school staff, and how much of a difference the provision has made to their children, their wellbeing and that of the families.

5.9. A brief presentation was given to CLASS, (the City of Leicester Association of Special Schools) as part of this review. The group were of the view the provision offered excellent outcomes for the pupils and had a big impact on the families of those pupils. However, the group raised a query regarding equality of accessing, acknowledging only those pupils at the school were able to access the provision, and there was limited access to the council's respite provision at Barnes Heath House.

5.10. The school provided details of pupils who had used the residential provision, where there had been child protection concerns. These details were cross referenced with Children Social Care and early help records, only a small proportion were open to the services or on a pathway.

5.11. Also, whilst pupils at the school have Education, Health and Care plan, which provides a statutory duty on the council to provide support, none of the children have a requirement for overnight respite / residential provision stated on their plan. Furthermore, the council does not commission residential places for pupils at the school.

5.12. Several local authorities within the region have also undertake similar reviews of residential provision (including Nottinghamshire, Lincolnshire and Leicestershire due to increasing pressures on their high needs funding block. The provisions were open to a small number of pupils compared to the wider SEND population.

5.13. Three recommendations were proposed following the review, these included:

- **Option 1:** Review operating model to rationalise funding, including development of a specification for service
- **Option 2:** Do nothing and retain the provision (including the extended day)
- **Option 3:** Funding to be reduced from £400k to £300k from September – August 2021/22 (the school have indicated they are able to reduce their staffing costs by this amount). A further reduction to £200k in 2022/23 and a reduction to £100k in 2023/24, no further funding from 2024/25.

5.14. Option 3 was recommended to enable a transition period for the trust/ school in order to plan their finances over the years, consider alternative options to re-purpose the building and it also supports the local authority to manage its high needs block as highlighted in paragraph 1.3, which is predicted to be overspent by £6m in 2021/22. Options 1 and 2, were not recommended due to the cost implications on the high needs block.

5.15. The school are now part of a multi-academy trust, therefore the decision regarding about whether to continue/reduce the provision will not be for the school, but the trust. If funding is reduced it may mean the residential provision will not operate at the same capacity. The Trust have been made aware of the recommendations during December 2021, to enable them to plan their finances over the next 12 – 24 months.

5.16. Discussions have also taken place with NHS Leicester Clinical Commissioning Group (CCG), to understand whether there is a need for this type of provision for children and young people with complex health needs. They confirmed there is a need, in order to help prevent hospital admission and would be looking to procure a building-based service in the future. This may be an option for the school to consider as alternative funding.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

6.1.1. The recommended option of reducing the call on the council's High Needs Block (HNB) funding for this residential/respite provision is a local decision and does not need DfE approval. At the end of the transitional period, ie from 2024/25, under the recommended option, expenditure from the HNB will have reduced by £0.4m.

6.1.2. For context, the HNB is under severe financial pressure with a forecast deficit between funding allocation and expenditure in 2021/22 of in excess of £7.5m as a result of continued increases in demand for Education, Health and Care Plans.

Martin Judson, Head of Finance

6.2 Legal implications

Part 3 of the Children and Families Act 2014 sets out the duties placed on Local Authorities for children and young people in England with SEND. High Needs Block (HNB) funding provides the funding for support packages for an individual with special educational needs in a range of settings. The purpose of the HNB is to ensure equality and equity of opportunity for all children and young people irrespective of their need.

It should be noted that some of the decision-making around SEN provision, particularly the level of provision and type of placement to be provided under an EHCP, can be determined by the SEND Tribunal regardless of the authority's position. If educational provision is specified in an EHCP, the local authority is under a duty to secure that. It is therefore important to give consideration to whether the residential provision is specified in any individual EHCPs.

The report identifies options where potential savings can be made. There have been a number of recent legal challenges to local authorities seeking to make savings in this area.

When taking decisions, the Council therefore needs to be mindful of the welfare of the children and young people who may be affected and not simply seeking to address financial concerns.

Julia Slipper, Principal Lawyer (Education & Employment), tel: ext 6855

Legal implications are given on the basis of the recommended option, option 3. Where an alternative option is agreed, legal services should be re-engaged to provide further implications.

A consultation exercise was completed in 2020 which included an element of reduction of funding for the respite provision provided by Millgate School. As part of the consultation, a separate joint commissioning review was completed in relation to the reduction of funding.

The council has engaged stakeholders, parents and pupils as part of this review.

The council should consider the responses of the consultation and the separate review and take these into account when deciding on the recommended option to ensure fairness.

Shireen Elias, Qualified Lawyer. ext 4479

6.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public-Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't. The Public Sector Equality Duty cannot be delegated and therefore responsibility will remain with the Council.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

This report presents findings from a strategic commissioning review of Millgate School's residential provision and presents three proposed options for the future of the provision for consideration. Those most likely to be affected by any change are likely to have the protected characteristics of age and disability.

An equality impact is being carried out to consider the potential equalities implications and whether any of the options would disproportionately impact any specific protected characteristic/s. Findings from any formal consultation should inform the equality impact assessment which should be an iterative process and should inform decision making.

Equalities Officer, Surinder Singh, Ext 37 4148

6.4 Climate Emergency implications

No climate change implications

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

7. Background information and other papers:

8. Summary of appendices: None