

Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Cabinet

7 March 2005

PROPOSAL TO CLOSE WESTERN PARK SCHOOL

Report of the Corporate Director of Education and Lifelong Learning

1. Purpose of Report

- 1.1 To inform Members of progress, to date, of the consultation on the proposal to close Western Park School and to seek Members' approval to publish statutory notices to cease to maintain the school.

2. Summary

- 2.1 The increase in parental demand for places in mainstream schools for pupils with statements of special educational needs (SEN) and the problems of falling rolls in some special schools have been the subject of consultation exercises over a number of years. In 2004, Western Park School was one of six schools included in a proposal to realign SEN provision in Leicester by closing them and creating three new schools/units. Responses to that consultation were reported to Members.
- 2.2 Subsequently, the budgetary difficulties caused by falling rolls in Western Park school were reported to Members, together with a range of 'interim' solutions suggested by the special school head teachers' group. None of these offered a viable solution to Western Park.
- 2.3 At their meeting on January 24, Members agreed to consultation on a proposal to cease to maintain the school with effect from the Academic Year 2005/6. This consultation period ended on 1 March. Responses received indicated a range of concerns. These are set out, together with comments within the Supporting Information. None of the responses suggested viable alternatives that would allow the LEA to continue to maintain the school without financial impact upon the broader school community.
- 2.4 Consultation with parents on alternative placements for their children is underway and staff are being consulted about their employment.
- 2.5 Members are, therefore, recommended to agree to publish statutory notices to cease to maintain Western Park School.

3. Recommendations (or OPTIONS)

3.1 Cabinet is recommended to:

- i) Note the responses to the consultation and;
- ii) approve publication of formal notices to cease to maintain Western Park school.

4. Headline Financial and legal Implications

Financial

4.1 There are likely to be some costs resulting from premature retirement and compensation costs (PRC). In the event of no redeployment being possible, this could be approximately £100,000 (detailed figures are currently being modelled). The PRC budget is under severe pressure and additional growth in this budget may be required over and above that included in the current revenue budget strategy. This will be added to the current shortfall in the Education budget strategy, if necessary, and compensatory savings made accordingly.

(David Wilkin, Head of Finance – ext 7750)

Legal

4.2 The interim options proposed in the original report required consultation and the following of the formal processes set out in the School Standards and Framework Act 1998. The options will also require statutory processes to be followed on the amendment of individual children's statements of special educational needs. The employment law rights of staff employed at these schools will also need to be respected.

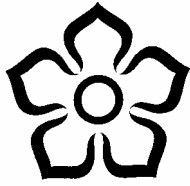
(Guy Goodman, Assistant Head of Legal Services - ext 7054).

5. Report Author/Officer to Contact:

5.1 Paul Livock
Service Director (Pupil & Student Support)
Ext: 7704

DECISION STATUS

Key Decision	Yes
Reason	Expenditure over £250,000 outside the approved revenue budget
Appeared in Forward Plan	No – this decision will be taken in accordance with Access to Information procedure rule 15.
Executive or Council Decision	Cabinet



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SUPPORTING INFORMATION

1. Report

Background

- 1.1 At their meeting of 24 January, Cabinet Members agreed to further consultation on the proposal to close Western Park School. This paper reports on the responses received.
- 1.2 Western Park School was originally established in 1930 as a school for “delicate” children – mainly, those suffering from Tuberculosis, but also including children with chronic asthma, eczema and so on.
- 1.3 At the time, several such schools existed across the country, Leicester is one of the last LEAs (*if not the last - the Department for Education and Skills do not have another school registered as such*) to maintain a school so designated.
- 1.4 In the 1990s, the school experienced a significant reduction in numbers and the LEA negotiated with the (then) headteacher and governing body to place a number of pupils with Moderate Learning Difficulties in the school, in an attempt to maintain viable pupil numbers.
- 1.5 The school was designated as having serious weaknesses in 1996 and it is to the credit of the then headteacher and staff, that this was removed in February 1997. Progress was confirmed in the school's Ofsted report in 1999 although the report referred to the ‘considerable challenges’ that the school faced in providing a quality curriculum across four key stages for pupils with a wide range of disabilities and learning difficulties and noted that much of the school's accommodation was still unsatisfactory.
- 1.6 Pupils numbers have continued to decline. Projected pupil numbers for 2005/6 stand at 28. The school will be unable to employ an adequate staff team from the funding available from this number of pupils to make educational provision for an all-age cohort.

- 1.7 The school was one of six, proposed for realignment into two or three new establishments as part of the LEA's strategy for enabling greater inclusion and dealing with falling rolls. Responses to the consultation on these proposals have already been reported to Members.
- 1.8 In addition, the special school head teacher's group made a number of suggestions for solutions to the problem of falling rolls. However, none of these presented a viable solution for Western Park. Members agreed, therefore, to consult on the proposal to cease to maintain the school.

Responses to Proposal to Close

- 1.9 A number of comments have been made regarding the proposal to close Western Park School. These are set out below:
- 1.10 ***The school is an excellent school.***
- 1.11 *Comment:* The quality of the expertise of staff within Western Park School is not in question. As with other schools listed under proposals for realignment into three new special schools, the teaching and non-teaching staff within the school have demonstrated repeatedly the skills and experience necessary to meet the needs of pupils with a range of learning disabilities. It is the continuing fall in numbers that endangers the school's ability to maintain levels of excellence, that is a major factor in making these proposals.
- 1.12 ***The small size of the school is important/essential to the success of its pupils. Small numbers allow teachers to know the children well and the children to know each other. Children can help one another with their problems.***
- 1.13 *Comment:* It is highly likely that, given the small numbers involved, staff and pupils would get to know each other very well. However, this is not to suggest that staff and pupils in other special schools, with larger numbers, do not succeed in developing similar knowledge and understanding of one another. It is likely that any other of the City's special schools could, justifiably, make similar claims.
- 1.14 However, school funding is based primarily upon the number of pupils on the school's roll and, as school numbers fall to around 45 pupils, the school's ability to continue to provide adequate staff-to-pupil ratios, will be at risk.
- 1.15 ***Western Park is an all-age school, which is better for children who do not respond well to change.***
- 1.16 Although this may be true, it is one of the purposes of the education process to enable children and young people, to be able, eventually, to deal with changes. If this cannot be achieved, the condition could be seriously disabling.
- 1.17 However, if all-age provision is felt to be an essential pre-requisite for a child with particular learning disabilities, the Authority can identify suitable alternatives, both within the City and in neighbouring LEAs.

- 1.18 ***The proposal to close is made purely on economic grounds.***
- 1.19 *Comment:* The proposal to close *is* made *partly* on economic grounds: the small numbers on roll would mean that the school would not have an adequate budget from which to fund a suitable staffing structure.
- 1.20 However, it should also be clear that the proposal to cease to maintain the school is not undertaken as a cost-saving exercise: Elected Members have, consistently, reaffirmed that any funding arising from a realignment of special education provision will be reinvested within the special education system, for the benefit of pupils with special educational needs.
- 1.21 ***Why not include Western Park in the proposed amalgamation of Piper Way and Emily Fortey Schools?***
- 1.22 *Comment:* Pupils currently on roll of Western Park school could be placed at either of the two schools if it was considered that this would meet their Special Educational Needs as set out in their statements. However, the needs of Western Park pupils – and the preferences of their parents – are diverse. It is probable, therefore, that only part of the cohort of Western Park would transfer to the two schools. This would still leave the placement of the remaining pupils and staff to be resolved.
- 1.23 ***The school has facilities which, if it were to close, would be “left to rot”.***
- 1.24 *Comment:* If the school were to close, any usable equipment that may be required by pupils on the roll of the school would be identified and, wherever possible and appropriate, transferred with the child to his or her new school. The Authority would have a duty to repair and maintain the buildings whilst in ownership. If the buildings and site were to be sold, this would then become the responsibility of the new owners.
- 1.25 ***The school is specially designed for these children.***
- 1.26 *Comment:* Western Park School was created from a private dwelling many years ago and had a number of outbuildings attached, in order to provide nursing care and “fresh air” experiences, predominantly for pupils with tuberculosis. The school has long since ceased to offer such facilities. The buildings are not, therefore, specially designed for the current intake but, merely adapted in order to provide adequate classroom facilities.
- 1.27 ***Western Park school is the only special school in the City that can provide adequate medical cover***
- 1.28 *Comment:* In fact, there is a higher level of school nursing support available at Emily Fortey Special School. One Registered Nurse and two Health Care Assistants are based at Emily Fortey because of the high levels of need of some of the pupils that attend there. Nursing support can be deployed between three special schools (Piper Way, Emily Fortey and Western Park) as required.
- 1.29 Primary Care Trust colleagues have assessed the level of nursing cover provided and regard this as appropriate.

1.30 ***Western Park School could become a unit attached to Fullhurst Community College***

1.31 *Comment:* Although the college has been in discussion with the LEA over becoming a School with Additional Resources (SAR), this is still under development. Given that the purpose of this suggestion is to keep pupils and staff together, the major part of the school roll would need to transfer to Fullhurst in order to provide sufficient funding to allow the school to employ Western Park staff. However, a significant number of pupils were placed in special school because their parents did not wish for their children to attend a mainstream school. In addition, the range of learning and other disabilities of Western Park pupils could not all be met within a secondary school SAR.

1.32 It is unlikely, therefore, that sufficient pupils would transfer to enable teaching and non-teaching staff to be employed to transfer with them. In addition, staff may not wish to take up the new duties that working in a SAR would require.

1.33 ***Ellesmere pupils could transfer to Western Park to be taught there, bringing numbers up to the point of viability***

Comment: This would require the governing body of Ellesmere College to agree to transfer a significant proportion of their budget to Western Park School. In addition, the parents of Ellesmere pupils would need to agree to their transfer (as would the pupils themselves). As Ellesmere College is a secondary school, this would effectively, change the character of Western Park and would, therefore require the publication of statutory notices.

1.34 ***The LEA has “prevented” admissions to the school.***

1.35 *Comment:* This is a point that has been raised in consultation meetings with parents and staff and in responses to earlier consultation exercises. Whenever the point has arisen, officers have requested details of any child/family that has been “prevented” from taking up a place at the school. To date, no such information has been received.

1.36 Parents have strong rights, enshrined in law, in respect of expressing a preference for particular provision for their child. A refusal by the LEA to place a child in the parents’ preferred provision can lead to parents appealing to the SEN and Disability Tribunal (SENDIST). Although the LEA has defended appeals at SENDIST, these have been largely due to refusals to maintain a child in *mainstream* settings, rather than in a special school. To date, the LEA has not been required to defend a refusal to place a child at Western Park School.

1.37 ***The LEA has not informed prospective parents of the existence of Western Park School.***

1.38 *Comment:* The LEA is bound by law to provide parents with information on all of the special educational facilities available to meet their child’s needs. This also includes details of schools in the independent sector. This information is sent out to all parents and carers together with the relevant forms at the very beginning of the formal assessment process.

1.39 In addition, the LEA's support services – educational psychologists, teachers of the hearing-impaired, teachers of the visually-impaired and so on – meet with and advise parents on the range of options open to them, to enable them to arrive at an opinion on specific which they can express as part of the assessment of their child's special educational needs.

1.40 **Closure will have a disruptive effect on pupils taking SATs and GCSEs.**

1.41 *Comment:* It is likely that closure may be disruptive for some children. It will be the duty of the LEA and staff to work together to ensure that any such disruption is confined to a minimum and that pupils transferring on continuing courses will have curriculum work matched to their new school syllabus as closely as possible.

1.42 **Valuable staff expertise will be lost if the school closes.**

1.43 *Comment:* The LEA's Human Resources officers will work closely with teaching and non-teaching staff to identify suitable vacancies in other schools. With the growth of Schools with Additional Resources (SARs), there will be a demand for staff with skills in SEN and vacancies may also be identified in other special schools. The LEA recognises the expertise which the staff have gained over the years and would wish, wherever possible, to retain such expertise within the City. Ultimately, however, such decisions will be for the individual staff themselves to make.

2. Financial, Legal and Other Implications

Financial Implications

2.1 As set out in the covering report

Legal Implications

2.2 As set out in the covering report

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	Y	
Policy	Y	
Sustainable and Environmental	N	
Crime and Disorder	N	
Human Rights Act	Y	
Elderly/People on Low Income	N	

4. Risk Assessment Matrix

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
Adverse reaction from some sections of community to disposal of site	H	M	Consultation must make clear the necessity of realignment to ensure the sustainability of Special School provision
SOC fails to agree closure	L	H	Responses to objections must make clear the budgetary outcomes and their impact upon pupils and staffing, and the impact on funding of other schools if status quo remains. Appeal to Adjudicator.
Legal challenge to amendment of statements of SEN	L/M	M	Amended statements must ensure that new provision matches needs as set out in statement.

5. Background Papers – Local Government Act 1972

- 5.1 Report to Education & Lifelong Learning Scrutiny Committee ,13 March 2002: Report On Responses To The Consultation Document “Meeting Individual Needs – Leicester City LEA’s Inclusion Strategy”
- 5.2 Report to Cabinet, 17 June 2002: Review of Special Education – Schools with Additional Resources (SARs)
- 5.3 Report to Cabinet, 30 June 2004: Informal meeting between members of Education and Lifelong Learning Scrutiny Committee and parents and staff of special schools regarding the Special Educational Needs Review
- 5.4 Report to Education & Lifelong Learning Scrutiny Committee, 11 January 2005: Responses to the Informal Consultation on Realigning Provision for Pupils with Moderate and Severe Learning Difficulties (MLD/SLD)
- 5.5 Report to Cabinet, 24 January 2005: Special Schools Review – Interim Solution

6. Consultations

- 6.1 Consultation on Proposals to realign six special schools (Western Park, Emily Fortey, Piper Way, Nether Hall, Oaklands, Ellesmere College) into three new special schools. (Consultation closed 31 March 2004)
- 6.2 Consultation on the Proposed Closure of Western Park: (Consultation closed 1 March 2005.)

7. Report Author

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