

WIRRAL COUNCIL

CABINET

16TH JANUARY 2014

SUBJECT:	REPORT SEEKING APPROVAL TO CONSULT ON THE CLOSURE OF THE LYNDALE SCHOOL
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF CHILDREN'S SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR TONY SMITH
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek agreement by Cabinet to undertake a consultation on the closure of The Lyndale School.
- 1.2 This report outlines the background and reasons why it is felt necessary to consult on the future of the school.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 Local Authorities have statutory duties to ensure that there are sufficient school places in their area with fair access to educational opportunity to promote the fulfilment of every child's potential. (Education Act 1996) To do this any future plans must consider the educational benefits for children, value for money, and the ways schools could develop collaborative practice in the best interests of children.
- 2.2 The sorts of considerations that are taken into account when proceeding to consult on closure of a school are set out below. They are not exhaustive and each case will have different circumstances and needs to be considered on their individual merits. They are:
 - Viability and sustainability:
 - Standards:
 - Diversity and parental preference:
 - Pupil numbers:
 - Financial implications:

In this instance the Local Authority will also need to take into account the current provision for children with Complex Learning Difficulties (CLD) and Profound and Multiple Learning Difficulties (PMLD) at The Lyndale, Elleray Park, and Stanley Primary Schools, Foxfield and Meadowside Secondary Schools.

2.3 In the case of a Special School, where closure is being considered, the SEN improvement requirement must also be met. The SEN Improvement Test is described in Appendix 1.

2.4 Reasons for considering the closure of the school

The closure of the Lyndale School is proposed for consideration because the viability of the school is compromised by its small size and falling roll, which both contribute to a difficult financial position.

This is **not** being put forward because of the quality of education or standards at the school. The most recent Ofsted inspection in November 2012 judged that Lyndale School was a good school. The report also noted that;

- Pupils admitted to Lyndale have increasingly profound and complex medical conditions. Staff have developed the skills and knowledge to meet the challenges this presents. As a result, care and support for pupils' well-being are outstanding.
- Behaviour and safety are outstanding. Parents can relax knowing that their children are very safe, happy and well cared for in school.
- Partnerships with parents are outstanding. Parents know that if they have worries there is someone on the teaching or medical staff who will give them advice and support.
- Staff morale in this small school is high, despite uncertainties about the future. This enhances the extremely positive atmosphere in the school.

2.5 The Lyndale Falling School Roll

The Authority has maintained 210 places across the 3 primary schools for children with CLD for several years and this will increase to 220 in September 2014 in response to growing demands in this area of Special Educational Needs, and in response to parental choice. Table 1 below shows the position across the 3 primary schools with data from the annual January census.

Table 1 Places and numbers since 2007 in Wirral's Primary CLD Schools

School	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15
<u>Elleray Park</u> Places	60	60	60	75	75	75	75	75	80	90
Pupils	56	77	61	74	76	78	85	91		
<u>Lyndale</u> Places	55	55	55	50	45	45	45	45	40	40
Pupils	34	26	33	27	26	29	28	24		
<u>Stanley</u> Places	90	90	90	90	90	90	90	90	90	90
Pupils	88	82	85	78	73	73	86	89		

Occupancy is a measure of how many of the available spaces in a school are actually taken up by a pupil. If every available place was taken then occupancy would be 100%.

Over the last 7 years The Lyndale School's average occupancy has been at 59%.

In recent years The Lyndale School has had a concentration of children with PMLD.

2.6 Lyndale School Financial Position

In 2013-14 the school has set a budget for the year based on School Funding of £761,733 with a small deficit of £3,647. This was achieved using all accumulated balances brought forward of £51,707. The latest position indicates there will be deficit at the year end of £15,667. This has resulted from changes in staff costs and support services.

In 2014-15 the school forecast, before any corrective action, is that there would be a deficit of £72,000. This deficit has the potential to increase to in excess of £232,000 based on the numbers of children currently on the school roll.

Table 2 below outlines the cost of providing a place in a number of Wirral's special schools in the financial year 2012-13.

Table 2 2012-13 Illustration of cost of providing places in Wirral Complex Learning Difficulties (CLD) special schools

School	Adjusted 2012-13 Budget*	Places	Pupil Census Jan 2013	Average Cost per Pupil
Elleray Park	£1,521,698	75	91	£16,722
Foxfield	£2,340,134	138	124	£18,872
Lyndale	£794,526	45	24	£33,105
Meadowside	£1,339,618	75	72	£18,606
Stanley	£1,570,939	90	89	£17,651

** Budgets have been adjusted to take account of increased/reduced funding arising from pupil number changes.*

2.7 High Needs Funding Changes

In 2013 a new system of funding was introduced by the DfE for the funding of High Needs pupils in schools. This introduced a new national system for the funding of specialist provision, with each school receiving an amount of £10,000 per place and an additional top up based on individual pupil needs. This new system is known as "Place plus". Previous funding systems were more heavily weighted towards funding places in schools rather than pupils.

In respect of “Place” funding authorities must review specialist provision ahead of confirming 2014-15 place numbers. The intended outcome is that the number of places for 2014-15 broadly matches where the students will be. It will mean that some schools that have more pupils than places (where it is expected that these numbers will continue) will receive additional funding to meet needs. Other schools where places are unfilled will need to plan for a reduction in their place led funding. Over time it is likely that school census and Individualised learner record data will form the basis of place led funding.

Top Up funding (ie the “Plus” element) reflects the additional support costs in excess of place funding for individual pupils and students and takes into account factors such as the pupils individual needs and facilities / support provided. Some authorities have set rates specific to each institution and this was the initial approach in Wirral during the first year of transition to the new funding system in 2013-14.

Other authorities have adopted a more uniform approach so that funding for particular types of need is the same within bands across the authority. This is a significant piece of work that has been undertaken with Wirral’s Schools Forum’s SEN Finance Steering Group, the outcome of which has resulted in a banded approach to top ups for:

- Students attending Specialist SEN provision: Wirral’s 11 special schools, and 14 resourced provisions in mainstream schools, and students attending independent non-maintained special schools and independent schools;
- Students in mainstream schools with specialist SEN funding and /or statements of SEN;
- Students in post 16 provision with element three costs; Further Education Colleges, Sixth Forms and Independent Specialist Providers (ISP);
- Students attending alternative provision; two primary behaviour bases and Wirral’s Alternative Schools Programme (WASP - KS3/4 Pupil Referral Unit - short stay school)

Proposals have been advised by a series of meetings with special schools, SEN resourced provision, alternative provision and colleagues from other authorities of the Merseyside Learn Together Partnership. One of the key features of this new system is a transparent and comparable funding methodology for students with High Needs whatever the education institution they attend.

2.8 High Needs Funding Changes – implications for The Lyndale School

The national reforms to the funding of high needs SEN places in special schools have brought The Lyndale School’s financial position into sharp focus.

Locally the proposed banded system of top-ups will provide a higher rate of funding for pupils with high dependency PMLD. This banding, Band 5 which is a top-up of £16,000 per pupil, applies to all 4 Special Schools with children with PMLD.

However, alongside these changes to the funding system the difficulties the school faces in terms of its small size and therefore larger unit costs, in comparison to other bigger PMLD / CLD, schools remain.

This means that for 2014-15 the shortfall the school may experience will be approximately £72,000 for the year based on the number currently on school roll. This is approximately 9% of their budget.

As previously indicated the Education Funding Agency (EFA) will review place numbers in specialist SEN provision with the Local Authority, to make provision more responsive to demand. Any single place reduction will represent a loss of £10,000 to the base budget of specialist SEN provision. A reduction of place funding, if aligned with current places at the Lyndale School could represent additional losses of £160,000 pa, giving an overall deficit position of £232,000.

2.9 Future Provision

Should a decision be taken to close The Lyndale School then the proposal at this stage would be to expand the numbers of places at Elleray Park and Stanley Schools to provide up to 230 places, with children with CLD and PMLD being educated and cared for on the same school sites, whilst recognising the individual needs of each child.

Elleray Park School could accommodate up to 110 pupils, through the building work already being planned to address sufficiency and suitability issues. Stanley School could accommodate at least 110 pupils with the possibility of 5 - 10 additional pupils, if a trend of more children with PMLD were to emerge.

These changes would give sufficient places across the 2 schools to meet the needs of children with CLD and PMLD.

In their most recent Ofsted reports Elleray Park School was judged to be an outstanding school, whilst Stanley School was judged to be a good school with outstanding leadership and management.

3.0 RELEVANT RISKS

- 3.1 If the school's future is not formally determined there is a danger that its financial position could worsen, ultimately impacting on the quality of education that is able to be provided to the school's pupils.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 At this point the closure of the school appears the most viable option, although this is the start of a lengthy consultation with parents, staff and stakeholders which will consider all available options in the best interests of children.
- 4.2 To inform the recommendation to Cabinet to consult on the possible closure of The Lyndale School, the local authority has considered a number of options which are detailed in Appendix 2 of this report. Throughout the consultation period it is expected that each of these options will be reconsidered with all stakeholders.

5.0 CONSULTATION

- 5.1 Stage 1 Public Consultation - The issue of a consultation document (subject to approval at this meeting) would signal the start of a period of twelve weeks of consultation. During this time the views of any interested parties would be sought which would then be considered at a future Cabinet meeting. It would be at this future meeting of Wirral's Cabinet that a decision would be made about moving onto the more formal stage of the process known as the Representation Period.

Representation Period – The publication of statutory notices for a school's closure define a 6 week period known as the representation period. This period allows anyone to submit their written comments on the proposals as well as recording their support or objection. As outlined in 5.1 entry into the representation period is dependant upon a further decision by Cabinet.

Decision - Within 2 months of the statutory notice period ending, the Cabinet must consider the information obtained during the representation period at a further meeting and at that meeting make a final decision on the proposal.

Prior to presentation of this report to Cabinet a number of pre consultation meetings have taken place. These include the following:

- 4 December 2013 Meeting with the Head Teacher, Chair and Vice Chair of Governors at the Lyndale School
- 5 December 2013 Meeting with The Lyndale School Governing Body
- 11 December 2013 Two separate meetings with the Head Teachers and Chairs of Governors of Elleray Park and Stanley Schools
- 19 December 2013 Meetings with all teachers and support staff at the Lyndale School, in two separate meetings and a meeting with parents and carers at the Lyndale School
- 19 December 2013 Meeting with the Member of Parliament for South Wirral, Alison McGovern MP

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 There are no implications arising from this report.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 7.1 The Lyndale School has a delegated schools budget of £761,733.
- 7.2 As detailed in the background section of this report it is expected that the shortfall in the school's budget for 2014-15 will be approximately £72,000. This is 9% of their budget and is likely to increase over time.
- 7.3 Any single place reduction in the school's roll will represent a loss of £10,000 to the school's base budget. A reduction within the school to 24 places (ie a reduction of 16 places) may result in further losses of £160,000 pa. This would give an overall deficit position of £232,000.

8.0 LEGAL IMPLICATIONS

8.1 The consultation process as outlined in the consultation section of this report, has been designed to meet the necessary statutory requirements.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached –

(<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversitycohesion/equality-impact-assessments/eias-2010/children-young-people>).

10.0 CARBON REDUCTION IMPLICATIONS

10.1 The closure of a school with a relocation of its pupils to other existing schools is likely to have a beneficial effect on the energy consumption of the whole school estate across the borough.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 There are no implications arising from this report.

12.0 RECOMMENDATIONS

12.1 That Cabinet agree to consult on the closure of The Lyndale School.

12.2 That the Director of Children's Services (or her nominee) be authorised to compile and produce the appropriate Consultation Documentation and proceed with the Consultation exercise as soon as practicably possible.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 The closure of The Lyndale School is proposed for consideration because the viability of the school is compromised by its small size and falling roll, which both contribute to a difficult financial position.

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APPENDICES

Appendix 1 – SEN Improvement Test

Appendix 2 – Options considered re the future of Lyndale School

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Feasibility of creating a 2-19 PMLD Special School	24 th June 2010

Any changes to SEN provision must meet an SEN improvement requirement and demonstrate likely improvements in provision. The sorts of benefits that flow from proposals to change provision need to be considered in terms of improved:

- i. access to education and associated services;
- ii. access to specialist staff, both education and other professionals, including any external support and/or outreach services;
- iii. access to suitable accommodation;
- iv. improved supply of suitable places.

Local authorities should also:

- v. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
- vi. clearly state arrangements for alternative provision. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
- vii. specify the transport arrangements that will support appropriate access to the premises by reference to the Local Authority's transport policy for SEN and disabled children;
- viii. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

Alternative Options considered for The Lyndale School

19 December 2013

	Option	For	Against	Pass SEN Improvement Test ?
1	Retain Lyndale School and school commits to take full range of CLD Stanley and Elleray Park admissions kept to place numbers	<ul style="list-style-type: none"> No capacity issues for LA. 	<ul style="list-style-type: none"> SEN Disability Tribunal appeals by parents against refusal of places at Stanley and Elleray Park Schools. Out of step with Government policy for popular schools to expand. Funding for Lyndale School becomes more difficult as more occupied places at lower funding increase deficit. Financial protection required for several years at Lyndale School; School specific top up required for Lyndale. Not consistent with local policy. Other schools demonstrate better value. 	Not needed; no change proposed.
2	2-19 School	<ul style="list-style-type: none"> All age provision. Development of expertise. Some parents and governors have previously asked for this to be explored 	<ul style="list-style-type: none"> Council rejected this in June 2010 after full public consultation because: <i>“the proposal received strong support from parents of children who attended The Lyndale School, there was little, if any support from parents whose children attended the authority’s other special schools for complex learning difficulties (CLD).</i> <i>Given the lack of broad support this would make the creation of a 2-19 school for PMLD a high risk option, which would be highly unlikely to represent value for money.”</i> 	Fail largely because option may not meet requirements for: iii) Access to suitable accommodation iv) An improved supply of suitable places v) Agreement from all providers to the proposed provision
3	Federate (hard or soft) with another special school with Lyndale School remaining on current site	<ul style="list-style-type: none"> Promotes an open dialogue about future of local policy. May be opportunities for economies of scale. Governor led 	<ul style="list-style-type: none"> Distances between schools would make it difficult for quick access between sites. Small size of Lyndale School means federation may not be viable. Resources from one school used to subsidise another. No appetite to date expressed by Lyndale School governors 	Fail largely because option may not meet requirements for: v) Agreement from all providers to the proposed provision vi) Agreement from a Federating School
4	Federate (hard or soft) with another primary or secondary school with	<ul style="list-style-type: none"> Promotes Department’s agenda with schools. Promotes an open dialogue about 	<ul style="list-style-type: none"> Distances between schools would make it difficult for quick access between sites. Small size of Lyndale School means federation 	Fail largely because option may not meet requirements for:

	Lyndale School remaining on current site.	<ul style="list-style-type: none"> future of local SEN policy. Governor led 	<ul style="list-style-type: none"> not viable. Resources from one school used to subsidise another. No appetite to date expressed by Lyndale School governors. 	<ul style="list-style-type: none"> v) Agreement from all providers to the proposed provision vi) Agreement from a Federating School
5	Co-locate Lyndale School with another special school	<ul style="list-style-type: none"> Pooling curriculum expertise may enable schools to deliver an enriched offer. 	<ul style="list-style-type: none"> Site required. May need new build. 	Test requirements may not be met
6	Academy/Free School	<ul style="list-style-type: none"> School community led 	<ul style="list-style-type: none"> To date governors have not discussed this. 	Matter for parents and DfE
7	<p>Close Lyndale School</p> <p>Open two SLD bases in Primary schools for 6/8 pupils in each.</p> <p>Expand Elleray Park and Stanley Schools to 100 each</p>	<ul style="list-style-type: none"> Inclusion opportunities. Dependent on mainstream primaries having appetite. Promotes Department's agenda with schools. LA propose targeted use of inclusion budgets. 	<ul style="list-style-type: none"> Previous LD bases (MLD) not successful in primary. Securing engagement from primaries may take time Start up costs. Potential disruption for current pupils Availability of specialist health services 	<p>The test requirements may not be met for:</p> <ul style="list-style-type: none"> v) Agreement from all providers to the proposed provision vi) Agreement from 2 primary schools for Bases to be established.
8	<p>Close Lyndale</p> <p>Expand Stanley/Elleray Park Schools to provide 220/230 places.</p>	<ul style="list-style-type: none"> Potential for a more inclusive approach for children with Severe Learning Difficulties (SLD) / Profound Multiple Learning Difficulties (PMLD). Consistent with secondary provision. Achieve better value across specialist provision (£70 - £220k) 	<ul style="list-style-type: none"> Potential disruption for current pupils Detailed capacity mapping required to Elleray Park School and Stanley School 	<p>Most aspects of test may be met.</p> <ul style="list-style-type: none"> v) Agreement from all providers to the proposed provision vi) Agreement from alternative schools: <p>Elleray Park School could accommodate 110 (building work would be needed); Stanley School could accommodate at least 110, and could perhaps take 5/10 more if a trend emerges;</p> <p>Elleray Park School could meet the needs of increased no's of PMLD pupils; Stanley could meet the needs of PMLD pupils.</p>