

## WIRRAL COUNCIL

## CABINET

4<sup>TH</sup> SEPTEMBER 2014

<b>SUBJECT:</b>	<b>REPORT DETAILING THE OUTCOME OF THE CONSULTATION ON THE CLOSURE OF THE LYNDALE SCHOOL</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF CHILDREN'S SERVICES</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR T SMITH</b>
<b>KEY DECISION?</b> <i>(Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.)</i>	<b>YES</b>

**1.0 EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to detail the outcome of the consultation on the closure of The Lyndale School.
- 1.2 This report outlines the responses received during the consultation, reviews the alternative options identified, as well as detailing the outcome of the SEN Improvement Test.
- 1.3 Included as **Appendix 1** is the report of the Independent Consultant on the proposal to close The Lyndale School, the options, including those which have emerged throughout the consultation period, and her view on the SEN Improvement Test.
- 1.4 In January 2014 Cabinet agreed to undertake a consultation on the closure of The Lyndale School. The consultation closed in June 2014. This report recommends that Cabinet considers the contents of this report and makes a decision on this matter.

**2.0 BACKGROUND AND KEY ISSUES**

- 2.1 The Lyndale School is a special school for primary aged children with Complex Learning Difficulties (CLD). The school is located in Eastham and serves the whole of Wirral. Most of the children currently attending the school have Profound and Multiple Learning Difficulties (PMLD). Ofsted's most recent inspection of the school in November 2012, judged that The Lyndale School was a good school, with outstanding features.

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- 2.2 The future of The Lyndale School has been the subject of discussion for a number of years. This has created a degree of uncertainty for parents, pupils, staff and governors.
- 2.3 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 special schools rather than pupils.
- 2.4 In respect of “Place” funding authorities must review specialist provision. The intended outcome is that the number of places 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. Other schools where places are unfilled will need to plan for a reduction in their funding.
- 2.5 The Council has a statutory duty to ensure that there are sufficient school places in our area with fair access to educational opportunity to promote the fulfilment of every child’s potential (Education Act 1996). Across all Councils in England over a period of years the range, number and needs of children and young people with special educational needs will change, so too will the resources to support the provision required to meet children and young people’s needs. Therefore, it is important that our local schools change to meet changing needs and numbers of children and young people. Consideration about how to meet the special educational needs of children and young people forms part of the Wirral Children and Young People’s Plan 2014 – 16. This Plan sets out the Council’s commitment to provide the very best outcomes for Wirral’s children and young people.
- 2.6 Within Wirral, the delivery of this duty has seen the number of places being made available in a variety of schools change. These changes have been made to reflect patterns in parental choice as well as accommodating demographic change. The delivery of this duty has also seen Elected Members consider a number of reports. A number of these have related to the delivery of SEN provision in Wirral and in particular some of the reports have focused on provision for children with Complex Learning Difficulties (CLD). A full chronology of these reports can be seen in **Appendix 2**. The new Children and Families Act 2014 introduces wide ranging reforms to services and approaches to children with special educational needs and / or disabilities. This will be implemented from 1<sup>st</sup> September 2014. It places a stronger focus on the commissioning of specialist provision. The new Education, Health and Care plans for all new children who would formerly have received a Statement of Special Educational Needs and which will replace all existing Statements of Special Educational Needs over the next three years will create a need to build better flexibility in the system to achieve improved outcomes for children and young people. Along with this is the challenge to Wirral in response to its statutory duty to make the most efficient use of its resources.

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- 2.7 The closure of The Lyndale School is being considered because the viability of the school is compromised by its small size and falling roll. It is also the case that there are two other primary schools in Wirral providing good and outstanding provision for children with complex learning difficulties.
- 2.8 Any option for change involving special educational provision must be likely to lead to improvements in the standard, quality and/or range of educational provision. This is assessed through the application of the 'SEN Improvement Test'. This test is set out in an Annexe to the document School Organisation Maintained Schools Statutory Guidance 2014 and is attached as **Appendix 3**.
- 2.9 To ensure an objective view the application of the SEN Improvement Test has been reviewed by an independent consultant with considerable experience of both mainstream and special schools including children with PMLD. The consultant was recruited through a nationally recognised consultancy with a great deal of experience in special educational needs. The consultant was commissioned for 18 days to look at the options presented to Cabinet in January 2014 and to further consider any new options or variations to options which emerged throughout the consultation period.
- 2.10 The Council identified a number of options for alternatives to The Lyndale School. Each of these options is reviewed in Section 5 of this document with reference to the SEN Improvement Test. This includes a review of the additional options which have emerged during the consultation.

### 3.0 MEETINGS AND THE CONSULTATION

- 3.1 The public consultation on the proposal to close The Lyndale School began on the 2nd April 2014 and ended on the 25th June 2014. Copies of the consultation document were distributed to the parents/carers, teachers and governors of the three primary schools for children with CLD. All Wirral head teachers and governing bodies were sent copies along with Trade Unions, Wirral MPs and Councillors, neighbouring Councils, diocesan bodies, Council departments and other interested persons. The document was also published on the Council's website for residents to gain access.
- 3.2 Six public meetings were arranged, the details of which are contained in the consultation document attached as **Appendix 4**. An analysis of the consultation meetings is attached as **Appendix 5**. Key issues raised at the meetings are outlined below and a more detailed list of issues raised is attached as **Appendix 6**. The six meetings were arranged at five different venues and at different times to allow as many people as possible to attend. In attendance at the meetings for the Council were, Cllr Tony Smith: Cabinet Member, Children and Family Services; Julia Hassall: Director of Children's Services; Andrew Roberts: Senior Manager: Funding and Resources; David Armstrong: Head of Universal Services; Philip Ward: Senior Manager Special Educational Needs and Disabilities. Notes taken at the meetings to assist officers in their considerations are attached as **Appendix 7**.
- 3.3 The consultation document had a feedback form for use and copies of the form were provided at each of the public meetings.

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- 3.4 Officers also had meetings with Alison McGovern MP and the parent governors of The Lyndale School to explore the feasibility of options. Meetings were held separately with the staff and governors of each of the three primary CLD schools and with the five head teachers of the five CLD schools both primary and secondary.
- 3.5 Members of the Council also took an opportunity to visit the special schools for children with CLD over a period of two days (16<sup>th</sup> and 17<sup>th</sup> June), and some members visited on other occasions.
- 3.6 85 separate people attended the public meetings. Some people attended more than one meeting.

The key themes which have emerged during the consultation process are:

### 3.6.1 Overall funding issues

Some responses linked The Lyndale School proposal to the Council needing to look at ways of reducing costs. Others asked why this was happening when education funding has not been cut nationally and the Dedicated Schools Grant is ring fenced. If the Council is not going to benefit why do it? Comments said that there are significant reserves within the Schools Budget and that these could fund the school shortfall at The Lyndale School for many years, instead they are being used to fund PFI costs.

*It was confirmed that any reduction in funding at The Lyndale School would be redistributed to other schools, and would not be a saving to the Council.*

### 3.6.2 Capital

Some people responding to the consultation made reference to the fact that accommodating The Lyndale School pupils in other schools could cost the Council money. Why go to this additional expense? The funding could be better spent if it was invested in the fabric at The Lyndale School.

### 3.6.3 Funding Bands

Views were expressed that funding arrangements are not based on the needs of children. Whilst a banding system may be administratively convenient, the bands are not sufficiently flexible. The Lyndale School Governors responded to the new funding system during a previous consultation and said that Band 5 was inadequate. If it is inadequate at The Lyndale School it is also inadequate at other schools, so other children will also be disadvantaged. A conclusion from one response is that the Top Up funding bands have been set from a cost cutting point of view.

*However it should be noted that the new high needs funding system was introduced following a detailed review by the Schools Forum and in consultation with schools. The Schools Forum is a consultative body which*

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*makes recommendations to the Council's Cabinet. The forum consists of school headteacher and governor representatives.*

Some parents from The Lyndale School asked a number of questions about the criteria used for Band 5, commenting that the basis is flawed; many children assessed to be in Band 4 also need the same high levels of staff time and resources.

Parents and governors have said that Band 5 is significantly less than other schools and less when compared to the previous school funding system. They quote that amounts per pupil have reduced from £33,000 to £26,000. Taking this into account they believe the Top Up should be increased from £16,000 to £24,000 otherwise the drop in funding will lead to a decline in care.

*This view is based on an assumption that there has already been a reduction in place funding at the school from 40 to 25 places. The school is however currently funded for 40 places. This change would increase the overall Top Ups for children at The Lyndale School by £200,000 per annum, which would almost certainly have to be met locally by a reduction in funding for other schools.*

### 3.6.4 The Lyndale School Size and Viability

There were a range of comments relating to the size and ongoing viability of The Lyndale School, these included the following:

The reason that the school is not viable is that it has not been given enough funding for the children at the school. The school is not overstaffed. Needs have costs and the funding formula must be correct for each child. Other authorities fund children with PMLD at a higher rate.

*It was confirmed that whilst this is true, there are also authorities that fund at a lower rate.*

The cost of a child at school will be the same no matter which school he or she is at.

*This does not take into account any potential for any economies of scale.*

Another response commented that in a larger school there is a risk that a higher level of funding will be spent in meeting the needs of other children.

Finally one response said that keeping a small school open whilst there is equal quality of provision elsewhere is not feasible.

### 3.6.5 Health and Safety of The Lyndale School pupils.

Throughout the consultation in both public meetings and in written responses, the safety of The Lyndale School pupils and the ability of staff to support their high levels of need were raised. Parents were concerned that, should the pupils be

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moved to another school, their children would be at risk. Parents, teachers and support staff said they felt that, in their view, the other two primary CLD schools could not meet the very specialised needs of their children. This was an issue that came up at each of the public meetings. Parents felt strongly that all the skills needed to support their children were provided at The Lyndale School and could not be provided at other schools.

*The Council gave an assurance that the other two primary schools could meet the needs of their children, and should there be any gap in skills needed to support their children, this would be addressed by the Council and the receiving school. In the Council's written response to the submission put forward by the parent governors of The Lyndale School, which questioned both Stanley School and Elleray Park School's ability to support their children, both schools gave assurance that they were able to meet needs of all children with CLD, including children with PMLD. The point was made that The Lyndale School pupils would also move on when they transfer to secondary school. Assurance was also given that parents would have the opportunity to discuss their child's needs with any receiving school, just as they do currently at The Lyndale School.*

### 3.6.6 Future of The Lyndale School Staff

Parents and staff were concerned about the future of the staff of the school.

*The Director and the Senior SEN Manager met with the staff of The Lyndale School on two occasions. Human Resources managers also met with the staff.*

Staff are concerned about their future. Parents raised the issue of specialist skills being lost if staff leave. The question about The Lyndale School's staff transferring to another school along with the children was raised many times.

*The Council said that it anticipated that some staff may follow the children but it is the legal responsibility of the governing bodies of schools to appoint staff, not the Council. The consultation drew to our attention that we referred to eligibility of The Lyndale School staff for redeployment. If the school were to close, individual discussions would take place with staff employed at The Lyndale School. There is no redeployment policy across Wirral schools as the governing body of each school makes employment decisions. However, as in previous school reviews every effort will be made to assist staff in finding suitable alternative employment. Should the other special schools require additional staff, and with the agreement of the other governing bodies, staff may be given prior consideration for posts and/or consideration alongside other applicants received.*

### 3.6.7 Assessment of Children

Throughout the consultation, respondents made it very clear that the focus should be on meeting the individual needs of the children.

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*Prior to the consultation process beginning, a commitment was made by the Director of Children's Services for holistic, multi-agency assessments/meetings to be held at The Lyndale School for all the children whose parents would like them. This would inform how the needs of each child can be safely met in future.*

*The purpose was to collate the information available from different sources, i.e. Education, Health and Social Care, to give an up-to-date picture of all the children at the school to ensure parents and the Council have a clear picture of the children's needs. The Principal Educational Psychologist and members of the SEN Team have met with the headteacher and parents along with NHS Continuing Care staff as appropriate. The assessment information is to be collated into draft Education, Health and Care Plans (EHCPs) under the new SEND Regulations which come into force from 1<sup>st</sup> September 2014. During the autumn term these plans will be reviewed in collaboration with parents. The EHCPs will hold the most current collated information on the child and will, over time, replace the current statement. They will be updated as necessary using the schools' annual review process.*

### 3.6.8. Hydrotherapy Pools and Physical Environment

Questions were raised about the ability of the two other primary schools for children with CLD to provide a suitable environment and therapeutic support.

*Both schools and the Council assured parents that the provision in both schools could meet the needs of the children.*

The outside space and sensory garden at The Lyndale School were raised as positive features.

*Should the school cease to operate at the current site every effort would be made to relocate / recreate these features.*

### 3.6.9 Pupil Numbers

Suggestions were made about how to increase the number of pupils attending The Lyndale School, in the light of falling numbers of pupils. It was suggested that a way of increasing numbers attending The Lyndale School might be to restrict the numbers going to Elleray Park School and Stanley School.

*Although the Council affirmed its responsibility to ensure appropriate provision is available to support children, it confirmed that it is unable to steer parents and restrict parental choice. The number of children going to The Lyndale School has steadily reduced.*

Some people thought that the Council was deliberately directing parents away from The Lyndale School.

*It was stated that this was not the case and that the school continues to be open, and to be promoted as a choice in the Admissions Booklet and*

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*therefore any parent can express a preference for the school. It was acknowledged by the Council that the future of The Lyndale School had been subject to discussion for a number of years which may have affected parents' choices when considering schooling for their child.*

### 3.6.10 Retaining The 'Lyndale School Ethos'.

During the consultation parents often spoke of the need to retain the 'Lyndale ethos' for their children at another school in the event of the children transferring.

*Whilst this was acknowledged it was explained that in the event of the school closing the Council would enter into discussion with each individual family about the destination of their child. Groups of children with statements of special educational needs can not be moved from one school to another without going through the formal statutory process with families on an individual basis. Each child's statement would need to be amended with each family.*

Some parents asked about developing a primary cohort at Foxfield School.

*This became the subject of further discussion between parent governors of The Lyndale School, Alison Mc Govern MP and officers of the Council. The Lyndale parent governors indicated their intent to enter into discussion with parent governors at Foxfield School.*

### 3.6.11 SEN Improvement Test

People in attendance at the meetings and other representations questioned the independence of the SEN Improvement Test.

*To ensure the Council took an independent view into account, it engaged an independent consultant to look at the options contained in the consultation document and any other proposal that emerged during the consultation period. The consultants report is attached as Appendix 1.*

### 3.6.12 Developing a School for children aged 2-19 years

The question about providing a school for children aged 2 – 19 years was raised many times.

*The Council referred back to recent history where it was decided that there was no widely held view by parents across all schools for children with complex learning difficulties to develop this provision. However, the Council agreed that this would be considered as part of the current review.*

### 3.6.13 The Consultation

Some people said they thought the consultation should have defined what was meant by the term PMLD. Others asked about what the position will be if the options are not viable.



*The Council had stated from the start of the consultation process that it may raise additional options and that these would be considered.*

Some parents raised the question as to why the Council had not promoted The Lyndale School as an option as part of the consultation, and others objected to the proposed closure saying that they thought their children would only be safe at this school. Some attendees objected to the style of chairing the meetings.

### 4.0 RELEVANT RISKS

- 4.1 If The Lyndale School's future is not formally determined there is a danger that its financial position could worsen, ultimately impacting on the quality of education available at the school.

### 5.0 OTHER OPTIONS CONSIDERED

- 5.1 The original options reported to Cabinet on 16<sup>th</sup> January are detailed in the consultation document attached as **Appendix 4**. These options together with those that emerged during the consultation process are discussed below. Options which emerged during the consultation are labelled **New Option**. The consultant's report (**Appendix 1**) independently reports against each of the options and addresses the issues about the SEN Improvement Test.

- 5.2 **Retain The Lyndale School and the school commits to take full range of CLD. Stanley School and Elleray Park School admissions kept to place numbers (Original Option 1 from Cabinet Report 16.01.14)**

- a) **Retain The Lyndale School and extend to take the full range of children with CLD**
- b) **Retain The Lyndale School and Stanley School and Elleray Park School admissions are kept to place numbers**
- c) **Retain The Lyndale School and change funding bands (New option)**

By encouraging children with a broader range of complex learning difficulties to attend The Lyndale School, it may be possible to increase the numbers on roll, however this could have an impact on the number of pupils at both Stanley School and Elleray Park School.

The above options would have the following Capital and Revenue implications:

Capital – There would be some additional condition / suitability requirements for the school. These would need to be met from the Council's capital programme.

Revenue – This option would have budget implications at Stanley School, Elleray Park School and The Lyndale School (all primary schools for children with PMLD).

- a) **Retain The Lyndale School and extend to take the full range of children with CLD**

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This option would require the Lyndale School to take the full range of children with complex learning difficulties. Whilst the school is registered to take children with CLD, it has focused primarily in recent years on taking children with profound and multiple learning difficulties. The future viability of The Lyndale School has now become so uncertain due to the reducing numbers of families expressing an interest in the school, we are therefore proposing this is not a viable option for the future.

### **b) Retain The Lyndale School and Stanley School and Elleray Park School admissions are kept to place numbers**

This would mean that both Stanley School and Elleray Park School would not be allowed to become oversubscribed. Over time the number of children at Stanley School would reduce from 100 to 90 and be maintained at that number. Similarly the number of pupils at Elleray Park School would reduce from 94 to 90 and be maintained at that number.

The revenue implications would be a budget reduction of £70,000 for Stanley School and £32,000 for Elleray Park School and both schools would need to absorb this loss of funding.

The Lyndale School would take an additional 14 pupils and would receive additional funding of £102,000. Starting from 23 pupils on roll the school would have 37 children. Having 3 less than the current 40 places, place funding may therefore only reduce by £30,000 (3 places). Overall the school would receive additional income of £72,000.

The additional costs for the school are associated with extra pupils and have been measured minimally in terms of additional classes. 14 additional pupils are likely to result in an additional 2 classrooms. Taking account of teaching, teaching assistant and learning resources each classroom would cost in the region of £90,000 pa. In addition it is likely that the school would need a post of Deputy Headteacher.

In total the anticipated additional costs for The Lyndale School are £240,000, giving a net deficit of £168,000 pa. This is not a sustainable position.

The most important factor regarding this option is that applying any policy to keep numbers at place level does not comply with lawful parental entitlement to express a preference.

### **c) Retain The Lyndale School and change funding bands (New option)**

Any financial solution is likely to require either a unique The Lyndale School Top Up, providing additional funding over and above Band 5 (£16,000), or changes across all High Needs bands (increasing the amount paid for all children at Band 5 at all CLD schools). Either of these options would impact on High Needs provision in other special schools, since additional funding for this band would have to be found from within the overall resources available.

In respect of all three options under this heading, the SEN Improvement Test would not apply here as there is no change to The Lyndale School for the children.

### 5.3 **The Lyndale School becoming all through school for children aged 2 – 19 years**

(Original Option 2 from Cabinet Report 16.01.14)

To progress this option would require an initial consultation with all five schools for children with complex learning difficulties in Wirral, engaging with children and young people, families, governors and school staff, together with an analysis of the implications for the future. In Wirral the primary schools are: The Lyndale School, Elleray Park School and Stanley School, and the secondary schools are Meadowside School and Foxfield School. This would be possible, but we know from an informal consultation about this proposal in 2010 that there was not an appetite for this option from schools, other than The Lyndale School. It is therefore unlikely that this option will meet the SEN Improvement Test. Also, it would be unusual to implement a change impacting on all provision for children with complex learning difficulties, without this being part of a wider review of the whole service. The above option would have the following Capital and Revenue implications:

**Capital** - The accommodation and equipment at The Lyndale School is designed around primary aged pupils. An assessment of needs for older pupils would be required. This combined with the existing conditions / suitability requirements for the school would be a demand on the Council's Capital Programme.

**Revenue** - This option would have budget implications at Foxfield School, Meadowside School and The Lyndale School.

#### Foxfield School and Meadowside School:

Foxfield and Meadowside secondary schools currently have 24 children with PMLD generating place and top up funding of £555,000. Over time it is possible that some of these children / young people would be based at The Lyndale School, rather than at these two schools. The potential maximum reduction in overall funding for Foxfield School and Meadowside School would be 15%, a significant amount of their school budget. In absorbing this loss it is likely to destabilise the budgets for both schools.

#### The Lyndale School:

An additional 24 children / young people would increase The Lyndale School's overall number to 47, giving additional place and top up funding of £385,000 (7 places and 24 top ups). The additional costs for the school are likely to be as a minimum 4 new classes and a deputy headteacher. In total this would be £420,000.

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This option gives a revised deficit position for the 2 – 19 school of £35,000 assuming places are taken up. This is not a sustainable position. In the short to medium term the school would need to be allocated a growth fund, since it is likely that an increase to 47 children would only be achieved over time (possibly 7 years). In the long term additional funding would need to be identified.

### 5.4 **Federate (hard or soft) with another school with The Lyndale School remaining on current site**

(Original Options 3 & 4 from Cabinet Report 16.01.14)

- Federate with another special school
- Federate with another primary or secondary school

Both of these options, taken together, have not attracted any significant interest during the consultation process. There would be issues relating to sustaining the quality of provision whilst remaining at the current The Lyndale School site, particularly if the school roll continues to fall.

The above options would have the following Capital and Revenue implications:

Capital – This option would require some additional condition / suitability funding for the school.

Revenue – The revenue implications for The Lyndale School resulting from Federation may be:

- reduced funding of £170,000, based on the school having 23 pupils
- reduced costs of up to £30,000, by sharing 50% of the cost of a headteacher / principal

The net reduction in funding of £140,000 is not a sustainable position either for the school or the Federation. By itself this is not a viable option.

Along with there being little interest in this option, it is unlikely that it would satisfy the SEN Improvement Test in relation to sustaining the quality of provision for the future due to lack of financial sustainability.

This option is one which would be for The Lyndale School Governors to progress.

### 5.5 **Co-locate The Lyndale School with another special school**

(Original Option 5 from Cabinet Report 16.01.14)

- Co-locate with another special school
- Co-locate and federate with another special school (**New Option**)

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The above options would have the following Capital and Revenue implications.

Capital – Significant capital would be required at any special school, to create the additional rooms and facilities required for this option. The costs at the 4 sites where this could happen, Elleray Park School, Stanley School, Meadowside School and Foxfield School, would provisionally be £0.5m to £1m.

Revenue – The revenue implications for this option would be reduced funding from having 23 rather than 40 places (£170,000), but also reduced costs. Being part of another school, this option is likely to reduce running costs – caretaking, cleaning, energy and support services. Head teacher costs may also reduce or be shared, but this is not assumed. Overall a reduction of £89,000 has been estimated, giving a net deficit of £81,000. Without additional funding therefore this is not a viable option.

Co-location with another school with both schools potentially retaining a different ethos is a factor which would need to be taken into consideration. The viability of the financial position makes this option difficult.

There is potential for the SEN Improvement Test to be met, although there are some concerns.

### 5.6 The Lyndale School becoming an Academy / Free School

(Original Option 6 from Cabinet Report 16.01.14)

This option is one which would be for The Lyndale School Governors to progress, and our understanding is that the governors have sought advice on this.

The above option would have the following Capital and Revenue implications

Capital – The school would still require some upgrading as part of this option. The academy would seek this funding from the Education Funding Agency (EFA).

Revenue – The funding for an Academy Special School comes through two routes. The EFA would provide place funding and it is likely that this would be no different to that provided by the Council, currently 40, but reducing to lagged pupil numbers (estimated to be 23). Top up funding is paid by the authority commissioning the place at the school. It is likely that Wirral would continue to offer funding up to band 5 (£16,000) i.e. there would be no change in the funding provided.

An academy also receives an Education Service Grant (ESG) for each pupil at the school. The rate announced for ESG for special schools in 2014-15 is £370, giving a grant of £8,510. It is possible, but not certain, that this funding would cover the additional academy costs that maintained schools do not incur such as higher insurance, accountancy and audit fees.

Therefore, the academy would be faced with the same deficit as a maintained special school of £170,000 and would not be viable.

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Consideration of the SEN Improvement Test would be a matter for the DfE. However, the uncertain financial viability of an academy is likely to cause continuing concern to a parent when considering a place for their child. The academy would have an uncertain future and the Council would not want to promote this degree of uncertainty.

### 5.7 **Close The Lyndale School. Open two SLD bases in Primary schools for 6/8 pupils each. Expand Elleray Park School and Stanley School to 100 each**

(Original Option 7 from Cabinet Report 16.01.14)

- Close The Lyndale School
- Close The Lyndale School and open SLD bases in two primary schools
- Close The Lyndale School, open SLD places in two primary schools and expand Elleray Park School and Stanley School to 100 each
- Close The Lyndale School and open a PMLD base on the new Foxfield School site (**New option**)

There would appear to be little interest in developing SLD bases in mainstream primary schools. This would need to be subject to consultation and evaluation of all the costs implied in such a development, i.e., specialist provision at a mainstream school, staffing, building adjustments for the specialist provision and the mainstream school itself.

The first three options would have the following Capital and Revenue Implications

**Capital:** This option would require additional works at Elleray Park School and Stanley School. In addition capital would be required if accommodation was not available at the schools hosting SLD units

**Revenue:** There would be revenue implications for Stanley School and Elleray Park School and also the 2 schools providing SLD units.

The closure of The Lyndale School would reduce costs by £740,470; this is the schools current delegated budget.

The additional costs for Stanley School and Elleray Park School would be the place and top up funding for the children transferring to those schools. Assuming 17 out of 23 children transfer, this would be £434,000. 6 children would also attend the SLD bases. If both units opened, the place and top up funding needed would be £163,000. Finally there would be a net reduction in the overall High Needs Place Funding of £170,000.

To summarise: Expenditure would reduce from the closure of Lyndale by £740,470. However the costs of the additional places and units would be £767,000.

This would give a net deficit of £26,530, which is not a viable option.

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It is unlikely that the SEN Improvement Test would be met particularly in such small bases being able to meet the complex needs of children. It is difficult to see how a broad and balanced curriculum could be accessed with such small units which could get smaller depending on numbers of children and parental preference. It would appear there is little interest in this option and is likely not to be seen as a viable local offer for Wirral.

### **Close The Lyndale School and open a PMLD Base on the new Foxfield Site**

Some parents have expressed a strong wish for their children to go to Foxfield School should The Lyndale School close, and whilst there can be no presumption that a group of children can be automatically transferred into another school, this could potentially be offered as a choice for parents to consider.

Admitting pupils of primary age from The Lyndale School to Foxfield School on a permanent basis would result in an alteration of the lower age limit of pupils at Foxfield School and this would amount to a prescribed change under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and is therefore an alteration to which the formal statutory consultation requirement would apply.

If the age range at Foxfield School is changed the admission arrangements and admission numbers will need to be reviewed. Admission practices and criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation. Admission criteria which meet these requirements would mean that other pupils who are not former pupils of The Lyndale School could apply for places at Foxfield School. Regarding the current pupils attending The Lyndale School it is important to re-state that the Council will discuss the future of each child with each family separately in order for them to make a choice.

Overall this option could absorb the spare capacity at the school and offset a potential reduction of funding at Foxfield School of up to £190,000.

However the proposal to develop a primary PMLD provision on the site of a CLD secondary school does present some challenges. The general ethos of a school relates to the age range that the school supports, and since Foxfield School is a secondary school, the culture, age range of activities and curriculum are all appropriate to an 11 to 19 population.

Careful joint planning would be required to ensure that the specific needs of younger children were promoted by the governing body and throughout the school if this option was to progress, so that any child supported at Foxfield School would become part of the whole school community.

It is important to note that this option has the potential to have an impact on all provision for children with complex learning difficulties, and therefore, such an option would usually be progressed within the context of a wider review of services for children with complex learning difficulties.

This option would have the following Capital and Revenue implications:

Capital: The option would require additional works at the new Foxfield school to create a PMLD base. The works would take place once the new school is completed.

Revenue: In the summer term Foxfield School had 114 pupils in a 133 place school. The school may therefore have more places available than primary aged PMLD children who might transfer.

If there are 12 pupils who move into the base, then 2 additional classrooms would be needed. The estimated additional costs would be £180,000. Foxfield School would receive no additional place funding. The top up funding would be £192,000.

This exceeds the costs identified and may be a viable option, but it should be noted that small changes in pupil numbers could change this position.

This option has the potential to meet the SEN Improvement Test.

### 5.8 **Close The Lyndale School. Expand Stanley School and Elleray Park School to provide 220/230 places**

(Original Option 8 from Cabinet Report 16.01.14)

- Close The Lyndale School and expand Stanley School and Elleray Park School to provide 220/230 places
- Close The Lyndale School and expand either Stanley School or Elleray Park School

It is evident from the consultation process that some of The Lyndale School's parents do not want to send their children to either Stanley School or Elleray Park School. However these schools are the current primary provision for The Lyndale School's children should the school close. Both schools, as the local offer, can provide for children with PMLD and the Council is confident that all the necessary transition arrangements will be put in place to prepare for any transfer.

These options would have the following Capital and Revenue implications:

Capital: Additional works would be required at Stanley and Elleray Park

There are plans being implemented to increase capacity at Elleray Park School. That is, an increase of 4 class rooms to accommodate 110 children across the school.

Stanley School can accommodate additional pupils up to a total of 120. Discussions have taken place to consider adding an extension and looking at the configuration of the current spaces in the school. This is not conclusive and further discussion will need to take place with the school governors about this.

We have taken account of the concerns of parents in relation to the readiness of the school to admit to this additional capacity in September 2015 and more general



## APPENDIX 3

comments about timescales. Therefore the most appropriate closure date would be July 2016 rather than July 2015.

Revenue: This option produces a small overall surplus by transferring the ongoing pupil funding to the 2 remaining CLD primary schools and absorbing the 17 place reduction in funding.

The closure of The Lyndale School would reduce costs by £740,470. The ongoing additional costs in Stanley and Ellera Park would be the place and top up funding for 23 pupils, currently £537,000. In addition there would be a reduction of 17 High Needs Places of £170,000.

The net position would be a surplus of £33,470. This amount is The Lyndale School's inclusion funding. The sum could be shared across all remaining schools (£3,347 per school) or it could be included within the total amount available for top up funding across all schools.

This option provides a viable financial solution and is funded from within existing resources. In relation to these proposals the SEN Improvement Test can be met.

### 5.9 **Close The Lyndale School but retain the site making another school a split site school. The Lyndale School site would be retained for as long as felt necessary (New Option)**

- until children currently at the school had left
- until the receiving school no longer required it

It is extremely unlikely that this proposal could provide any long term stability. It is also unlikely that parents would have confidence in a short term provision. The risk of pupil numbers becoming so low making it too costly or the loss of permanent experienced staff may give cause for the Council to seek to close the school earlier. It would not be in the interests of children, parents or other schools to try to support an educational entitlement which clearly could not be met. Therefore, it would not meet the SEN Improvement Test. The Council should not seek to promote such a proposal as a future local offer to parents particularly when there are other good and viable schools.

This option would have the following Capital and Revenue implications:

Capital: There would be additional capital works at Stanley School and Ellera Park School, although these may be phased over a longer period.

Revenue: This option would defer the closure of The Lyndale School, numbers at the school would reduce over time as children leave but are not replaced. When all children have left the school would close.

The financial costs are modelled taking account of a reduction in classes at Lyndale. This is assumed from a reduction of 5 children by 2015-16 (1 class) a further 6 in 2016-17(2 classes) and 6 in 2017-18 (3 classes), following which the

## **APPENDIX 3**

school would close. At the end of this period the anticipated deficit for The Lyndale School would be £377,000.

There is no provision for this loss by the school which would need to be underwritten elsewhere. In order for this not to impact on the remaining provision for High Needs a source from outside the schools budget may be required.

### **6.0 CONSULTATION**

6.1 A twelve week consultation period ran from 2<sup>nd</sup> April 2014 and closed on 25<sup>th</sup> June 2014. During this period the views of all interested parties were sought via the consultation document itself and through a series of public meetings held across the borough. A detailed review of the consultation can be found in section 3 of this report.

### **7.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS**

7.1 There are no previously approved outstanding actions that relate to this report.

### **8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

8.1 There are no direct implications arising from this report.

### **9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

9.1 In 2014-15 The Lyndale School has set a balanced budget based on funding for 40 places and 23 pupils on the school roll. A future reduction in place funding to 23 pupils, if a lagged place system is introduced, would result in the school receiving a budget which is £170,000 less than currently. Using these numbers the school budget shortfall would increase by a similar amount each year thereafter. The position is not sustainable without additional resources being identified or impacting on the remaining special schools.

9.2 Of the options considered the closure of The Lyndale School and the expansion of Stanley School and Elleray Park would appear to be the most viable financial options.

9.3 Staffing: The Lyndale School currently employs 30 staff (21.21 FTE) teachers, teaching assistants and support. If the school closes their employment would cease. It is likely that successor schools would need to recruit additional staff to accommodate the needs of pupils transferring.

9.4 Assets: If the school closed the site would be declared surplus and would be considered for other purposes.

### **10.0 LEGAL IMPLICATIONS**

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

### 11.0 EQUALITIES IMPLICATIONS

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

(a) Yes and impact review can be found via the following link:

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010-0>

### 12.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

12.1 If a school closes or there is an amalgamation of schools the relocation of pupils to other existing schools is likely to reduce the energy consumption of the whole school estate across the borough.

### 13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 Any alteration or addition to school premises would require relevant planning permissions and building control approval.

### 14.0 RECOMMENDATION/S

14.1 In January 2014 Cabinet agreed to undertake a consultation on the closure of The Lyndale School, the consultation closed in June 2014. This report recommends that Cabinet considers the contents of this report and makes a decision on this matter.

### 15.0 REASON / S FOR RECOMMENDATION/S

15.1 The Council has a responsibility to manage resources effectively for all schools and the school population. We would like to affirm our continued intention to work positively with the children and families affected by any recommendations, and reassure parents of our continued commitment to their child's wellbeing and education.

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## APPENDICES

***Appendix 1 – The Independent Consultant's Report***

***Appendix 2 – A Full Chronology Relating To Discussions Re The Future Of The Lyndale School***

***Appendix 3 - SEN Improvement Test:***

***Appendix 4 – The Consultation Document***

***Appendix 5 – Analysis Of The Public Meetings.***

***Appendix 6 – List Of Issues Raised At The Public Meetings***

***Appendix 7 – Notes Taken At The Public Meetings***

**BACKGROUND PAPERS/REFERENCE MATERIAL**

*No additional reference material has been used in the construction of this report.*

**BRIEFING NOTES HISTORY**

<b>Briefing Note</b>	<b>Date</b>

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Cabinet</b>	<b>16<sup>th</sup> January 2014</b>
<b>Coordinating Committee</b>	<b>27<sup>th</sup> February 2014</b>