

CABINET – 15 JANUARY 2015

128 NOTICE OF MOTION - THE CORPORATE PLAN'S IDEALS IN PRACTICE

The Cabinet had regard to a Notice of Motion which had been proposed by Councillor Phil Gilchrist and seconded by Councillor Dave Mitchell at the meeting of the Council held on 8 December 2014 (Minute No. 82 refers). The Notice of Motion had been referred by the Mayor to the Cabinet for consideration.

In accordance with Standing Order 7 (6), Councillor Phil Gilchrist had been invited to attend the meeting to provide him with the opportunity to explain the Motion to Cabinet Members.

Councillor Phil Gilchrist informed that he was not happy with the way the decision to close the Lyndale School had been made. It had been a difficult time for parents, Cabinet Members and Officers, it had not been an easy situation to address and he now considered that it was time to take stock of the arrangements that had been made.

Councillor Phil Gilchrist also informed that the parents of children at the School had submitted a number of questions, particularly about finance, in a report circulated to all Members in June 2014 which had never been answered. He appreciated that it was difficult as the proposed closure of the School had been out to public consultation but unfortunately, distress had been caused as no detail or assurances had been provided.

Before the consultation meetings had taken place Councillor Gilchrist informed that he had requested that the issues raised by the parents be recorded accurately and properly about how the proceedings had been reported back to the Cabinet as he considered that it had led to 'a practice of the loss of the sense of the emotion as the bullet points that had been provided did not capture what the parents had wanted to get across'. He was critical about the way that the consultation meetings had been chaired as he was of the opinion that the Chair had been rude and brusque. Councillor Gilchrist was also critical of the consultant's report on the Special Educational Needs (SEN) Improvement Test.

Councillor Phil Gilchrist believed that there may be a legal challenge to the decision to close the Lyndale School. He was aware that funds were being raised for this purpose and legal aid may be involved.

The Notice of Motion had regard to the Council's Corporate Plan and the assurance therein to safeguard and protect the vulnerable people of the Borough and Councillor Phil Gilchrist requested that consideration be given to whether the Council had done thing properly, carefully, whether the SEN Improvement Test had been properly applied and that parental and independent representations that had questioned the proposer's assessment had been taken into account.

The Council had referred the Notice of Motion to the Cabinet that called on it to:

- (a) look at these pledges and commitments (in the Corporate Plan);
- (b) question whether these were carefully and properly applied at all times during the consideration of the needs of the children at the Lyndale School; and
- (c) report to Council on how the SEN Improvement Test was properly applied.

Councillor Phil Davies informed that he had read that there may be a legal challenge to the decision to close the Lyndale School and, with this in mind, asked the Head of Legal and Member Services for advice on how to proceed.

The Head of Legal and Member Services advised that he had not received any notification of a legal challenge at this time. A decision had been taken to close the School and the reasons for it had been articulated. He advised the Cabinet not to speculate in response to the specific points of any potential claim, bearing in mind that the Council was on notice of a claim. The Cabinet was advised to consider the Corporate Plan and engagement issues that had been raised.

Councillor Tony Smith thanked the Head of Legal and Member Services for his advice. He reported that when the Cabinet had agreed to undertake consultation on the proposal to close the Lyndale School every effort had been made to ensure it was as wide as possible. There had been six public meetings held at different times and in various venues to suit all concerned. Councillor Smith informed that he had attended and took part in all six meetings and some Members had visited all five schools that catered for children and young people with complex and profound learning difficulties. At all times Members had been clear about why the proposal had been put forward and what the outcome would mean if it was agreed.

Councillor Tony Smith stated that he was fully satisfied that the Council had demonstrated it was not only a receptive Council that responded, engaged and listened but that it looked after the vulnerable and protected them. An independent consultant had carried out an assessment, an SEN Improvement Test and an equality impact assessment had been carried out on the proposed closure. Councillor Smith confirmed that he was satisfied that the Council had provided opportunities to challenge the proposal and all the information obtained had been put forward for consideration.

Councillor Phil Davies informed that Members had been faithful to their principles and had listened to what people had said about the proposal to close the Lyndale School. He informed Councillor Phil Gilchrist that listening to what people said did not always mean that you had to agree with them. Members had gone the extra mile, they had met with the parents and read their report but he accepted that they had come to a different conclusion to them but it did not mean that they had not listened. The decision had been based on sound evidence and thorough analysis and Members had understood what the community had said to them. He believed that Members had been faithful to the principles in the Council's Corporate Plan and that was the Cabinet's response.

Councillor Phil Gilchrist enquired whether the analysis had been thorough and pointed out that there had been issues about the creation of the funding formula and

its application across various schools but as the issue was 'parked' he would wait and see what the outcome would be'.

Councillor Phil Davies was of the view that the requirements had been met and that the analysis had been thorough and the decision to close the School had been made following the consideration of sound evidence. He informed that whatever happened in respect of a legal case the Cabinet would need to respond to that in due course. Councillor Davies then thanked Councillor Gilchrist for his attendance at the meeting.