

10 February 2014**Agenda Item: 6****REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND
INCLUSION****PROPOSAL TO CLOSE DAYBROOK LEARNING CENTRE****Purpose of the Report**

1. To seek approval to close the Pupil Referral Unit (PRU) known as Daybrook Learning Centre with effect from 31 August 2014, and accelerate a plan to deliver alternative provision for permanently excluded pupils in line with statutory requirements.

Information and Advice

2. The Children and Young People's Committee agreed on 16 September 2013 to consult on a proposal to close Daybrook Learning Centre with effect from 31 August 2014. The period of consultation took place between 23 September and 6 December 2013.

Context

3. Daybrook Learning Centre serves the south of the County (Rushcliffe, South Broxtowe and Gedling) and is located in Arnold. It is currently commissioned to provide 44 places for pupils between the ages of 11-16 years who are at risk of or who have been permanently excluded from school. It provides out of school provision for children and young people of secondary school age who are currently not in other schools as a result of their behaviour. It is designated as a Pupil Referral Unit (PRU) and as such is subject to inspection by Ofsted. The planned admission number will be reduced from 44 to 20 with effect from 1 April 2014. If Daybrook Learning Centre is to remain open this number will reflect the requirements of the secondary schools it serves; this reduction in numbers is in line with the reductions at all PRUs.
4. The total number of places available to partnerships or individual schools in the south of the County is currently 44. From September 2013, the equivalent of 23 places transferred to partnerships in order for them to make local arrangements and some financial resources were devolved to partnerships, released through staff vacancy funding. 21 places are currently commissioned from Daybrook Learning Centre, as shown in **Table 1**.

Table 1: Daybrook Learning Centre – January 2014

Partnership	Place Allocation	No of Commissioned Partnership Places	Actual number of Commissioned Places on PRU Roll (Jan 2014)
South Broxtowe	11	5	6
Gedling	20	13	7
Rushcliffe	11	5	6
Toot Hill	2	0	2
Total	44	23	21

5. The projected learner numbers on roll for September 2014, based upon partnerships continuing to maintain zero permanent exclusion are:

KS3 (Years 7 and 8)	2	<i>(of whom 1 will commence a long term transitional programme during Spring term 2014 back to mainstream school)</i>
KS4 (Year 10)	1	<i>(who is expected to transfer to a Special School or specialist provision during Spring term 2014)</i>
KS4 (Year 11)	7	
Total	10	

(Eleven current Year 11 learners will leave statutory education on 27 June 2014).

6. The rationale for consulting on the closure of Daybrook Learning Centre relates in part, to the successful implementation of the Social, Emotional and Behavioural Difficulties (SEBD) Review, which has led to an approach where the County Council has progressively devolved resources to partnerships of schools to encourage collective responsibility and reinforce other positive processes (such as fair access and managed moves). This has led to schools increasingly retaining responsibility for their most challenging young people and resulted in a significant reduction in permanent exclusions and a much reduced need for Pupil Referral Units.
7. Daybrook Learning Centre was originally identified for possible closure because of issues with performance, a significant reduction in permanent exclusions and a much reduced need to place pupils at Daybrook Learning Centre, along with a concern about the high average per capita cost of placement. There is also a strong consensus that the needs of learners who would have previously attended Daybrook Learning Centre may be better met in mainstream or other settings with support, or by personalised learning arrangements (including alternative providers) giving a mixture of formal education and work based learning.
8. Since the start of the consultation Daybrook Learning Centre has undergone an Ofsted inspection in October 2013 and graded as Requires Improvement (RI). A further HMI monitoring inspection in December 2013, in line with national requirements, confirmed that the *‘Senior Leaders and Governors are taking effective action on the key areas of improvement identified at the most recent section 5 [Ofsted] inspection’*.

9. This report is linked to a corresponding report also being considered at this meeting 'Specialist provision for children with Social Emotional and Behavioural Difficulties (SEBD): options and recommendations'. This report describes, amongst other things, proposals for arrangements for specialist provision for pupils with the most challenging behaviour in Nottinghamshire.

Consultation

10. Approximately 300 consultation questionnaire documents were distributed to:
- Elected Members
 - MPs in the south of Nottinghamshire
 - Recognised Trades Unions
 - Daybrook Learning Centre Staff team and other learning centre teams affected by the proposal
 - Each Management Committee affected by the proposal
 - Parents/carers of pupils on roll
 - Learners on roll
 - Schools and Partnerships affected by the proposals
 - County Council Services including Health and Police
 - Alternative Provision and independent providers
 - Church of England and Catholic Dioceses
 - Broxtowe, Gedling and Rushcliffe Borough Councils
 - Neighbouring Local Authorities (Nottingham City, Leicestershire, Lincolnshire, Derbyshire)
 - Department for Education
 - Ofsted
 - Local residents
11. Out of the 300 questionnaires issued a total of 26 responses were received from stakeholders of which 23 were opposed to closure, two agreed and one had no view.
12. Formal consultation meetings were held with staff, the Management Committee and residents and community groups. Although parents/carers, other service users and schools were invited to separate meetings, no one attended these.
13. Discussions were held with school partnerships as part of the implementation of the SEBD Strategy. This included meetings with head teachers of four Gedling secondary schools, the majority of Rushcliffe secondary schools and all South Broxtowe secondary schools. Meetings were also held with senior local authority officers.

14. Individual meetings were held with some learners who were invited to respond to set questions. As no parent/carers attended the formal meetings, individual telephone conversations were arranged with parents/ carers as a response to them not attending the formal meetings in order to elicit their views.

Summary of consultation responses

15. The summary of consultation responses is as follows:
- The staff whose professional careers depend upon Daybrook Learning Centre have understandably opposed the closure. During the consultation period a number of staff have secured alternative employment. The view that Daybrook Learning Centre should not close was also taken by the Management Committee.
 - Only a small number of responses opposing the closure have been received from parents and learners
 - There has been little active support for Daybrook Learning Centre to remain open from individual schools and school partnerships. This is also the case in relation to other services and local residents
 - The majority of schools, through their school partnerships served by Daybrook Learning Centre, have expressed a desire to retain their own students, with the exception of a small number of learners with very complex social, emotional and behavioural difficulties (SEBD) needs
 - An organisation responsible for commissioning, registering and quality assuring Alternative Providers in Nottinghamshire has identified 12 providers who are able to put provision in place for pupils within six days of the issue of a permanent exclusion, which is the statutory requirement.
16. Taking into account the consultation responses, the proposal remains unchanged that Daybrook Learning Centre should close on 31 August 2014. This is because officers have not been dissuaded from the view that outcomes for children and young people will be improved and resources used more effectively where schools retain responsibility for learners who would otherwise have been placed at Daybrook Learning Centre. The concerns expressed by those opposed to the closure are mainly about the timing of the closure and the perceived loss of specialist support. These concerns will be used to inform the development of alternative models of provision.
17. Written responses were received on the reply form provided, via the County Council's website or by electronic mail. These written responses, together with notes of formal meetings, are available as a background paper to this report. A full summary of the comments made is included in **Appendix 1**.
18. If approval is given to close Daybrook Learning Centre, planning for pupils from 1 September 2014 will be accelerated to ensure there are suitable pathways for each of the 10 learners who could potentially be on roll, which will largely be through

commissioned alternative provision. Of these 10 learners, eight will be year 11 and, historically, year 11 learners are educated off site.

19. Each school partnership will be invited to use the additional revenue released from the closure of Daybrook Learning Centre to accelerate arrangements in their own localities. In addition, arrangements will be confirmed which will ensure that the County Council continues to deliver its statutory duty *“to make arrangements for the provision of suitable education at school (including pupil referral units), or otherwise than at school, for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, will not receive a suitable education without those arrangements”* (Education Act 1996, Section 19).
20. Arrangements will be put in place to support the 17 teaching, support and administrative staff affected by closure in line with County Council HR guidance. Ancillary staff (Site Manager, Cleaners and Cook Supervisor) affected by the closure are currently employed through a Service Level Agreement.
21. The affected posts are as follows;

Post

Assistant Head Teacher	1
Out of School Provision Lead	1
Locality Inclusion Lead	1
Specialist Teacher with TLR	1
Specialist Teaching Assistant	6
Admin Team Leader	1
Administrator	1
Receptionist/Administrator	1
Site Manager	1
Cleaner	2
Cook Supervisor	1

Total no of people **17**

Statutory Notice

22. There is no requirement to issue a statutory notice to formally close Daybrook Learning Centre or seek the consent of the Secretary of State because it is not in special measures or requiring significant improvement.

Other Options Considered

23. In making this recommendation only one alternative option has been considered, which is to keep Daybrook Learning Centre open and continue to improve the standards so that it delivers high quality provision. Whilst there is evidence that standards are improving at Daybrook Learning Centre, the loss of staff and the momentum of change being generated through the implementation of the SEBD strategy, alongside the Rushcliffe Partnership of Schools not opposing closure, reinforces the view that it is more appropriate to invest time and funding in collaborating with schools and other providers to develop local provision in each district.

24. In the event that the Committee agrees the recommendation to close Daybrook Learning Centre, the County Council will need to consider the options for the future use of the building beyond 1 September 2014.

Reasons for Recommendation

25. The primary reason for recommending the closure of Daybrook Learning Centre is because it does not represent good value for money when set alongside the outcomes achieved by a small cohort of learners.
26. The 2014/15 full year cost of operating Daybrook Learning Centre including staffing and provision resource costs would be £631,278.
27. There are currently 21 pupils on roll at Daybrook Learning Centre of whom 16 are taught off site using alternative providers or attending another learning centre. This equates to £29,848 per place. The view of officers is that it is possible to develop better alternatives in each locality currently served by Daybrook Learning Centre which will produce better outcomes for pupils and better value for money. Where partnerships have indicated they wish the County Council to continue to make provision for permanently excluded pupils, it will be possible to secure more cost effective provision which will deliver better outcomes.
28. The devolution of SEBD resources will result in each district receiving significant additional resources with which to create alternative provision through an accelerated plan supported by County Council officers. This will include a commissioning process beginning with confirming pathways for existing learners on the roll of Daybrook Learning Centre.

Statutory and Policy Implications

29. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

30. Pupils at risk of or who have been permanently excluded from a secondary school in the south of the County or who live in the south of the County are service users alongside the schools which are managing their challenging behaviour. Action will be taken to explore on an individual basis arrangements for alternative provision for those pupils who would have ordinarily been admitted to Daybrook Learning Centre due to the need to prevent or because of a permanent exclusion.
31. This will be through one of three pathways:
- localised provision developed with each school behaviour and attendance partnership or in some cases with individual schools
 - alternative provision for Key Stage 4 learners

- admission to another learning centre or other commissioned provision.
32. For year 10 pupils on roll from September 2013 arrangements will be made to ensure that they are able to complete any accredited courses that they will be undertaking over the next two years.
 33. In addition to secondary schools being invited to respond formally to the consultation, meetings have been held with each school partnership affected to ascertain how they wish to proceed should the proposal to close be approved. Rushcliffe Partnership Head Teachers are clear they will use the additional revenue generated to develop provision for pupils at risk or who have been permanently excluded. Gedling Head Teachers from five schools are exploring the use of an alternative to Daybrook Learning Centre. South Broxtowe Partnership School Head Teachers are considering their plans and have a further meeting in early January 2014 to look at how they will progress alternatives to Daybrook Learning Centre should it close.
 34. A local community group known as the 'Daybrook Crew' has opposed the closure of the Centre. This opposition relates to the group's use of the premises for one evening per week. In the event of closure of the Centre, the Council would wish to work with the group to identify future provision.

Financial Implications

35. The closure of Daybrook Learning Centre will release revenue and capital resources which will be reinvested in the south of the County to support partnership developments. This will ensure that appropriate provision for learners with SEBD is in place.
36. Maximum staffing costs for Daybrook Learning Centre in the 2014/2015 financial year are £422,225. This is based on retaining the existing staffing structure, without filling staff vacancies, between April – August 2014 at a cost of £185,227. Should Daybrook Learning Centre remain open a new staffing structure will need to be implemented from 1 September 2014 with a staffing cost of £236,998. If the decision is for Daybrook Learning Centre to stay open a proposed new structure would be presented to the Management Committee for ratification at the spring term meeting.
37. The release of resources/cash to partnerships would be in three phases:
38. **Phase 1:** in autumn term 2013 and spring term 2014 (financial year 2013/2014) money available through unfilled vacancies at Daybrook Learning Centre totalling £192,653 has been released to partnerships. The remaining 12 staff continue to be employed to teach and support the 21 learners on roll and could also be used to support partnerships in schools to prevent permanent exclusion
39. **Phase 2:** in summer term 2014 (financial year 2014/2015), learner numbers will reduce further when year 11 learners complete their statutory education at the end of June. This would enable further release of cash to partnerships. The total amount for release is £394,280

40. **Phase 3:** In autumn term 2014 (financial year 2014/2015) if partnerships and schools take the remaining 10 learners back onto their roll there will no longer be any learners on the roll of Daybrook Learning Centre. In this case, the balance of resources available to be devolved to partnerships or individual schools (up to the end of financial year 2014/2015) would be £236,998. If partnerships and schools do not take the remaining 10 learners back onto their roll the County Council will need to retain £113,392 to commission Alternative Provision for these learners. These 10 learners would then remain the statutory responsibility of and be monitored by the County Council.
41. It is intended that the maximum total resources which could be available for partnerships by the end of 2014/15 financial year is £631,278.

Public Sector Equality Duty Implications

42. White boys and pupils with SEN are over-represented in the group of pupils who are disadvantaged by exclusion. New arrangements will reduce the impact on this vulnerable group.
43. Equal opportunities issues for staff will be addressed within an agreed enabling document which will follow an agreed standard format.
44. An Equality Impact Assessment has been undertaken and is available as a background paper. Decision makers must give due regard to the implications for people with protected characteristics when considering this report.

Crime and Disorder Implications

45. Appropriate consideration has been given to the Crime and Disorder Act 1998. It is the view of the County Council that this proposed closure does not pose a significant risk to increasing criminal activity within the locality.
46. The local neighbours and residents who attended the consultation meeting expressed a concern about a possible increase in vandalism if the building were to be unoccupied as occurred when it was vacant in the past. The County Council would therefore take the appropriate action to minimise this risk.

Safeguarding of Children and Vulnerable Adults Implications

47. Children who are in receipt of provision at Daybrook Learning Centre are entitled to receive provision of a high quality education, which is subject to safeguarding and quality assurance procedures. An approved provider framework and daily monitoring arrangements will ensure that children receive their education in high quality and safe environments.

Human Resources Implications

48. Subject to the outcome of the consultation process, any decision to close Daybrook Learning Centre will be addressed in line with HR policies and procedures, including consultation with the recognised Trade Unions.

49. The Management Committee will be supported by County Council officers to ensure that decisions about staffing in the school are made in accordance with employment law and the Local Authority's previously determined policies.
50. A consultation and communication strategy has been developed in line with statutory processes relating to the closure of a school.

RECOMMENDATION/S

That:

- 1) approval is given for the closure of Daybrook Learning Centre with effect from 31 August 2014
- 2) arrangements are accelerated to ensure that all pupils currently on roll are placed in suitable provision from 1 September 2014
- 3) plans are accelerated for each school partnership to develop alternative provision for pupils at risk of permanent exclusion.

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Constitutional Comments (LM 17/01/14)

51. The recommendations in the report fall within the remit of the Children and Young People's Committee.

Financial Comments (KLA 24/01/14)

52. The financial implications of this report are set out in paragraphs 35 to 41.

Background Papers and Published Documents

- 1) An update on Nottinghamshire's strategy for pupils with social, emotional and behavioural difficulties (SEBD) - 'Five steps to collective responsibility' – report to Children & Young People's Committee on 16 September 2013
- 2) The document for parents/carers, staff, governors and other interested parties explaining the proposal to close Daybrook Learning Centre, published on 23 September 2013
- 3) Written responses received during the formal consultation period that expired on 6 December 2013
- 4) Notes of questions and views expressed and discussed at the consultation meetings held between 23 September and 6 December 2013 with staff, Management Committee, schools, LA services and local community

- 5) Learners' views
- 6) Parent/carer views
- 7) Equality Impact Assessment

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Divisions and Members Affected

All.

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Proposed Closure of the Daybrook Learning Centre (DLC)

Appendix 1

The number of consultation documents distributed was approximately 300

Comments/Issues/Points raised at consultation meetings and within Written/Electronic/On-line responses:

	No. of responses received	No. of responses received	No. of responses received
	Agreed	Disagreed	Didn't Know
Parent/Carer of pupil attending DLC	0	2	0
Parent/Carer of pupil not attending DLC	1	0	0
Member of DLC Management Committee	0	0	0
Staff employed at DLC	0	9	0
Staff not employed at DLC	0	1	0
Pupil attending DLC	0	6	1
Pupil not attending DLC	0	0	0
Other	1	5	0
TOTALS	2	23	1
Where reply forms indicated more than one type of respondent, only one has been included in the table above using a priority order of 'parent/carers', governor, 'staff' and then 'other'.			

A total of 26 (8%) responses from 300 consultation documents issued were received from stakeholders of which 23 were opposed to closure, two agreed and one had no view.

In addition formal consultation meetings were held with staff, the Management Committee, and residents and community groups.

Although parents/carers, other service users and schools were invited to separate meetings, no one attended these.

Daybrook Learning Centre arranged for individual meetings with learners who were invited to respond to set questions. In addition, individual telephone conversations were arranged with parents/carers as a response to their not attending the formal meetings.

Summary of Stakeholder Views

The SEBD strategy and decision making process

Staff responses described concerns that closure will limit the options available and lead to inequality of access to provision compared to the districts served by the two other learning centres.

A response by a member of staff described how well the Centre had coped with a number of significant challenges and had responded very positively to the challenges noted in the LA Review. This led to significant improvements noted in the Ofsted inspection of October 2013. They also described that exclusions in the south continue at the same rate as last year. Whilst they agree with the vision of schools taking more responsibility for learners with SEBD, it is too early for schools to develop suitable alternatives to Daybrook Learning Centre and the plans are not robust enough at this stage to provide a secure alternative.

The Management Committee opposed the proposal to close with eight against and one abstention. They were concerned that higher level needs would not be met and the funding model would not be maintained. In addition, there were concerns that there would be insufficient short term placements for pupils in crisis.

A school in South Broxtowe is opposed to the closure on the grounds that the basis for closure is unclear. The Council should provide support to improve Daybrook Learning Centre and needs to ensure that it can provide for permanently excluded pupils through a centre which offers 'economies of scale'. The decision about Daybrook Learning Centre should be part of a wider consultation on children who are not 'school ready'. It should also clarify the respective roles of schools and County Council.

Rushcliffe Schools support the closure and schools receiving direct funding to explore other options for alternative provision. They also requested confirmation of year on year funding for Alternative Provision and that it will be available for the medium to long term. Residents supported the strategy of exploring alternative solutions in localities and it would be beneficial for Gedling Schools to access the premises.

Residents were concerned about impact on provision if academy schools do not cooperate.

Staffing matters

There were nine individual staff responses to the consultation, all of which were opposed to the closure.

At the staff consultation attended by staff and Recognised Trade Unions (RTUs) clarification was provided that were Daybrook Learning Centre to close all staff would be in a redundancy situation and in the event of it remaining open there will be a staffing re-structure to reflect the reduction in numbers requiring provision. In either event the implementation date will be 1 September 2014.

Staff opinion was that the perpetual loss of staff due to the threat of closure will contribute to its closure.

Building and site related issues

Residents' concerns about increased vandalism if the Centre closed and was not used. Strong recommendation from residents that it should remain as premises for Council services if Daybrook Learning Centre closes.

There was strong support for the youth club to be able to continue.

Financial issues

Residents commented on viability issues at the other centres which would need addressing with falling numbers. There was a strong consensus that Daybrook Learning Centre does not provide value for money or appropriate outcomes for pupils on roll.

Pupil, Curriculum, Community and other related issues

The six out of the seven learners who responded were opposed to closure because of the positive impact Daybrook Learning Centre has had on their progress and attitude to learning which they state is far better than they received in their mainstream school. This is because of small group sizes, the staff treat them as individuals and are able to assess their moods on arrival and help them to manage their emotions better. They also describe how being at Daybrook Learning Centre assists them in their preparations to return to school.

One learner who had been at Daybrook Learning Centre and was now attending an alternative provider expressed no preference as to whether it closed or stayed open.

The two parent/carers who responded were opposed to closure because of the positive impact Daybrook Learning Centre has had on their child's progress and attitude to learning which they state is far better than they received in their mainstream school. This is because of better more balanced communication with the Centre which reports on successes frequently and engages them in planning and reviewing progress.

Staff shared concerns about the loss of a facility which schools had requested for time limited placement for learners at risk of permanent exclusion. Also there were concerns expressed about the County Council delivering on its duty to provide for permanently excluded pupils from the sixth day.

A number of staff respondents described the importance of their work in providing the facility for small group work, one-to-one sessions, and a consistent approach to supporting young people which builds their self-esteem, confidence and raises their aspirations.

Staff also expressed concerns that there would be a loss of holistic support from specialist staff to motivate and re-engage students on their learning journey and return to mainstream schools.

Staff have expressed concerns about viable alternatives if Daybrook Learning Centre closes and are concerned that schools may not meet the emotional and social needs as well as Daybrook Learning Centre does.

Concerns were expressed about the negative impact of closure on vulnerable learners already on roll. Also the additional costs to transporting pupils to one of the other two centres and their removal from their locality would be barriers to re-integration.

An 'other interested party' respondent was opposed to the closure because it makes provision for people who get angry a lot.

Another respondent noted that Daybrook Learning Centre provides a nurturing environment in a way which mainstream schools cannot and releases the potential of learners. It also encourages friendships.

Residents noted that the site provides a safe amenity for young people in the area through a youth club and would want that to continue if it does close. There were concerns about increased vandalism if it closes.