

9 March 2015

Agenda Item: 08

REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND INCLUSION

PROPOSAL TO CLOSE OAKDALE LEARNING CENTRE

Purpose of the Report

1. To seek approval to close the Pupil Referral Unit (PRU) known as Oakdale Learning Centre with effect from 31 August 2015, to accelerate a plan to deliver alternative provision for permanently excluded pupils in line with statutory requirements and for plans to continue for all school partnerships to develop alternative provision for pupils at risk of permanent exclusion.

Information and Advice

2. The Children and Young People's Committee agreed on 8 December 2014 to consult on a proposal to close Oakdale Learning Centre with effect from 31 August 2015. The period of consultation took place between 9 December 2014 and 3 February 2015.
3. Following the review of Social Emotional and Behaviour Difficulties (SEBD) arrangements in Nottinghamshire, a strategy entitled '5 Steps to Collective Responsibility' was approved by the Children and Young People's Committee and published in November 2012.
4. Since that date a considerable amount of collaborative effort by schools and the County Council has resulted in a number of new arrangements being established. Some notable outcomes are that:
 - funding is being devolved to behaviour partnerships to support local initiatives and partnership working
 - a framework for monitoring and evaluating alternative provision is available to schools
 - a service for primary schools has been established to support schools where behaviour is challenging and places are at risk

- the number of permanent exclusions issued by Nottinghamshire schools has reduced by 51% in the last two years:
 - academic year 2011-2012 118 exclusions
 - academic year 2012-2013 90 exclusions
 - academic year 2013-2014 58 exclusions
- during the academic year 2014-2015 (as at 31 January 2015) there have been 22 permanent exclusions compared to 32 in the same period last year, a 31.25% reduction
- the role of Pupil Referral Units was redefined and three separate schools were established in April 2013, each with a management committee
- as the demand for places in learning centres has fallen, the number of staff employed in each learning centre has been reduced with funding being devolved to school partnerships
- as a consequence of these developments, the PRUs known as Daybrook Learning Centre, which served the south locality, closed on 31 August 2014 and Bassetlaw Learning Centre, which served the north/east locality closed on 31 December 2014
- a small team of Local Authority staff has been established to ensure that statutory requirements for permanently excluded pupils and those who are out of school because of their behaviour are delivered.

5. Oakdale Learning Centre, which serves the west of the County (North Ashfield, Mansfield and a partnership of five schools known as SHENK (Selston Academy, Holgate Academy, Eastwood Comprehensive School, National Church of England Academy and Kimberley School) is located in Mansfield. It is commissioned to provide 26 places for pupils who have been permanently excluded from school, or 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.

6. As at 4 February 2015 there are 23 learners on roll at Oakdale Learning Centre, 10 of whom are Year 11 students placed out of the centre in full time alternative provision. These Year 11 learners will leave statutory education on 26 June 2015.

7. Across Nottinghamshire partnerships are taking greater responsibility for making local arrangements for children and young people with SEBD which has involved the devolution of resources to partnerships of schools and a reduction in the number of places commissioned at each of the learning centres.

8. Partnerships served by Oakdale Learning Centre are indicating, through agreed Memoranda of Understanding (MoU), that they are currently working towards:

- North Ashfield 2 places
- Mansfield 2 places
- Samworth Academy 3 places
- SHENK 0 places

9. The projected learner numbers on roll for September 2015, which will be at an all-time low, are:

KS3	1
KS4 (Year 10)	6
KS4 (Year 11)	6
Total	13

10. Following a review of the situation, this report seeks approval to close Oakdale Learning Centre primarily because of viability issues. Overall it is considered that as a result of partnerships indicating that they do not wish to commission sufficient places from April 2015, Oakdale Learning Centre does not represent value for money with regard to the cost of pupil placements.

11. Staffing costs for Oakdale Learning Centre in the 2014/2015 financial year were £395,000.

12. The annual charge levied by Landscape and Cleaning Services is £39,500 plus grounds maintenance at £2,086. A site manager and one cleaner have been appointed to provide a service to Oakdale Learning Centre.

13. There is currently a £3,617 charge from Schools Catering for meals provided on site.

Consultation

14. Approximately 230 consultation questionnaire documents were distributed to:

- Elected Members
- MPs in the west of Nottinghamshire
- Recognised Trades Unions
- Oakdale Learning Centre staff team and other learning centre teams affected by the proposal
- Oakdale Learning Centre Management Committee
- 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
- Mansfield, Ashfield and Broxtowe District Councils
- Department for Education
- Ofsted
- local residents.

15. Out of the 230 questionnaires issued a total of 10 responses were received from stakeholders of which five were opposed to closure, two agreed and three did not express a view.

16. Formal consultation meetings were held with staff, the Management Committee and pupils. No parents/carers attended the pre-arranged formal consultation meetings.

The meetings for residents, community groups, other service users and schools were cancelled due to inclement weather but these groups were invited to contact the Local Authority if they wished to discuss the proposal.

17. Discussions were held with school partnerships as part of the implementation of the SEBD Strategy. This included meetings with Ashfield, Mansfield and SHENK Behaviour and Attendance Partnerships. Meetings and conversations were also held with senior elected Members, a local district councillor, recognised trade unions and senior local authority officers.
18. All learners on roll were invited to respond to set questions. Parents and carers were invited to a formal consultation meeting but did not attend.
19. All written responses received either by the reply form provided, via the County Council's website or by electronic mail and notes of formal meetings are available as background papers to this report.

Summary of consultation responses

20. The summary of consultation responses is as follows:
 - no members of staff opposed the closure through the NCC electronic consultation process. Staff discussed the options for children with complex needs and the development of more specialist SEN provision in the locality. Staff sought clarification on their rights and entitlements if the Centre was to close
 - the Management Committee's view was that although not a reflection on the capability of staff, it has become apparent that the current arrangements for provision at Oakdale Learning Centre are not viable. They were keen to learn more about the alternative arrangements for specialist SEN/ ASD (Autistic Spectrum Disorder) provision
 - no parents or carers attended a formal meeting
 - of the four pupils who completed the questionnaire one agreed with the proposal to close saying that *'when I was excluded and went to Oakdale I didn't like it, it was just like school'*. This learner now attends an Alternative Provision which he likes much more: *'It would have been better to come straight onto provision'*. Two pupils disagreed and one had no view or did not comment specifically on the matter. One pupil identified that the Centre gives a second chance to pupils who are badly behaved. One pupil said *'I've got back into school because this is smaller with fewer people. It's better to work in small groups'*.
 - with the exception of one response received through the NCC electronic consultation, there has been no active support for Oakdale Learning Centre to remain open from individual schools, school partnerships and staff in schools. This is also the case in relation to other services and local residents
 - the majority of schools, through their school partnerships served by Oakdale Learning Centre, have expressed a desire to retain their own students. There

are examples in Mansfield and Ashfield of schools and partnerships developing their own successful alternatives to Oakdale Learning Centre

- an organisation responsible for commissioning, registering and quality assuring alternative providers in Nottinghamshire has identified 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. Work is underway to commission this type of provision for 1 September 2015.

21. Taking into account the consultation responses, the proposal remains unchanged that Oakdale Learning Centre should close on 31 August 2015. 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 Oakdale Learning Centre. The concerns and reasons expressed by those opposed to the closure will be used to inform the development of alternative models of provision with school partnerships and alternative providers.
22. If approval is given to close Oakdale Learning Centre, planning for pupils will be accelerated to ensure there are suitable pathways for each of the 13 learners who could potentially be on roll, which will largely be through commissioned alternative provision. Of these 13 learners, six will be in year 11 (historically, year 11 learners are educated off site), six will be in year 10 and one in year 9, who will also access commissioned alternative provision.
23. Each school partnership will be invited to use the additional revenue released from the closure of Oakdale Learning Centre to continue to make 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).
24. Arrangements will be put in place to support the 12 teaching, support and administrative staff affected by closure in line with County Council HR guidance. Ancillary staff (site manager, catering and cleaners) affected by the closure are currently employed through a Service Level Agreement.
25. The affected staff are as follows:

Post

Teacher in Charge	1
Specialist Teacher	4
Specialist Teaching Assistant	4
Admin Team Leader	1
Administrator	2
Site Manager	1
Cleaner	1
Schools Catering Team	1
Total	15

Statutory Notice

26. There is no requirement to issue a statutory notice to formally close Oakdale 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

27. In seeking approval to consult on closure only one alternative option has been considered, which is to keep Oakdale Learning Centre open and admit pupils from partnerships willing to fund this arrangement. This is currently not the case, indeed the majority of partnerships have confirmed that they do not wish to request places over and above those currently on roll. In addition the reduction of staff and the momentum of change being generated through the implementation of the SEBD strategy 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.
28. If the Committee agrees the recommendation to close Oakdale Learning Centre, the County Council will need to consider the options for the future use of the building beyond 1 September 2015.

Reasons for Recommendations

29. The rationale to recommend closure of Oakdale Learning Centre is based upon three principal issues:
 - the low numbers requiring provision on site
 - the high cost per PRU place at £23,462 per pupil is significantly higher than the national average of £15,000
 - the new model of collaborative working across partnerships in the north of the County will remove the need to commission sufficient places for Oakdale Learning Centre to remain viable.
30. The devolution of SEBD resources will result in each district receiving significant additional resources with which to create alternative provision by schools and school partnerships supported by County Council officers. This will include a commissioning process beginning with confirming pathways for existing learners on the roll of Oakdale Learning Centre.

Statutory and Policy Implications

31. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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

32. Service users are pupils who have been or are at risk of permanent exclusion and schools who 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 Oakdale Learning Centre due to the need to prevent or because of a permanent exclusion. 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
 - provision developed with school partnerships for those learners with complex SEBD
 - alternative provision for key stage 3 and 4 learners.
33. For year 10 pupils who have been on roll at Oakdale Learning Centre from September 2014 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.

Financial Implications

34. Oakdale Learning Centre is funded from the Dedicated Schools Grant and all budget released by the closure of the Centre will be re-allocated to meet the needs of the children in other settings and by other methods of provision.

Public Sector Equality Duty Implications

35. 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.
36. Equal opportunities issues for staff will be addressed within an agreed enabling document which will follow an agreed standard format.
37. 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

38. 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.
39. The local neighbour who attended the consultation meeting expressed a concern about a possible increase in vandalism if the building were to be unoccupied. The County Council would therefore take the appropriate action to minimise this risk.

Safeguarding of Children and Vulnerable Adults Implications

40. Children who are in receipt of provision at Oakdale 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

41. Any decision to close Oakdale Learning Centre will be addressed in line with HR policies and procedures, including consultation with the recognised Trade Unions.
42. 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.
43. 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 Oakdale Learning Centre with effect from 31 August 2015
- 2) arrangements are accelerated to ensure that all pupils currently on roll are placed in suitable provision from 1 September 2015
- 3) plans continue for all school partnerships to develop alternative provision for pupils at risk of permanent exclusion.

John Slater

Service Director, Education Standards and Inclusion

For any enquiries about this report please contact:

Chris Harrison

Group Manager, SEND Policy & Provision

T: 0115 9773384

E: chris.c.harrison@nottsc.gov.uk

Constitutional Comments (SLB 13/02/15)

44. Children and Young People's Committee is the appropriate body to consider the content of this report. Any changes to County Council staffing structures are subject to the provisions of the Employment Procedure rules regarding HR advice and consultation with the recognised trade unions, as set out in the report.

Financial Comments (SS 23/02/15)

45. The financial implications of the report are set out in paragraph 34 above.

Background Papers and Published Documents

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.

Review of arrangements for children and young people with social, emotional and behavioural difficulties (SEBD) in Nottinghamshire - report to Children and Young People's Committee on 5 November 2012

An update on Nottinghamshire's strategy for pupils with social emotional and behavioural difficulties (SEBD) – '5 steps to collective responsibility' – report to Children and Young People's Committee on 16 September 2013

Specialist provision for children with social, emotional and behavioural difficulties (SEBD): options and recommendations – report to Children and Young People's Committee on 10 February 2014

Proposal to consult on the closure of Oakdale Learning Centre – report to Children and Young People's Committee on 8 December 2014

Equality Impact Assessment

Consultation document for parents/carers, staff, governors and other interested parties explaining the proposal to close Oakdale Learning Centre, published on 9 December 2014

Written responses received during the formal consultation period that expired on 3 February 2015

Notes of questions and views expressed and discussed at the consultation meetings held between 9 December 2014 and 3 February 2015 with RTU colleagues, staff, pupils and Management Committee.

Summary of Learners' views.

Electoral Divisions and Members Affected

All.

C0588