



**21<sup>st</sup> June 2021**

**Agenda Item: 18**

## **REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND SKILLS**

### **CLOSURE OF THE RESIDENTIAL UNIT AT FOUNTAINDALE SPECIAL SCHOOL – RESPONSE TO PETITION**

#### **Purpose of the Report**

1. The purpose of this report is to recommend to Committee the response to the issues raised in a petition, *Stop the closure of the residential unit at Fountaindale SEN School*, which was presented to the County Council at its meeting on 25<sup>th</sup> March 2021.

#### **Information**

2. At the County Council meeting on 25<sup>th</sup> March 2021, Councillor Deakin presented a petition with over 1,700 signatures against the closure of the residential unit at Fountaindale Special School which took place at the beginning of January 2021.
3. The petition was established following the decision of the Children and Young People's Committee on 30<sup>th</sup> November 2020 to close the residential unit. This decision followed a consultation process approved by the Children and Young People's Committee on 21<sup>st</sup> September 2020.
4. The consultation process had followed the Department for Education's statutory guidance on making significant changes to maintained schools which requires Members to consider the results of the consultation on the statutory proposal.
5. A summary of the feedback from the consultation can be found in **Appendix 1**. A total of 81 responses were received to the consultation, and in addition further comments and questions were raised at the public meeting held during the consultation period.
6. The Children and Young People's Committee acknowledged from the responses submitted to the consultation that the residential unit was valued by parents, carers, and young people.
7. The Committee decided to approve the closure of the residential unit for the following reasons:
  - an Ofsted inspection in February 2020 of the residential unit had highlighted several issues with the unit including that:

- the school did not meet several of the national minimum standards for residential Special Schools
    - school leaders have not ensured effective safeguarding and management arrangements. A new senior leadership team have implemented a programme of development. Improvements are evident, but not yet embedded
    - safeguarding practice is not good enough, although there are no serious failures which have resulted in actual harm.
    - following the Ofsted Inspection, the interim Executive Headteacher recommended that the unit should be temporarily closed pending wider discussions with the County Council. The unit therefore effectively closed to Fountaindale students on 24<sup>th</sup> February 2020 and did not reopen until its closure in January 2021.
  - The residential unit was primarily part of the School's curriculum offer, which is not available to young people in any other Nottinghamshire Special School. It should also be noted that the development of life skills and independence can be delivered successfully as part of the ordinary school day curriculum, as it is in all other Special Schools.
  - The provision at Fountaindale Special School is not intended to provide respite care to families. Families who meet the eligibility criteria for short breaks can access the County Council's community Short Breaks offer. The focus of community short breaks is on supporting the independence of children and young people with Special Educational Needs and Disability and providing respite care for their families. Short breaks also provide an opportunity for children and young people with Special Educational Needs and Disability to meet peers and to form friendship groups.
  - The residential unit cost £116,000 per year from the High Needs Block budget which is part of the Dedicated Schools Grant and is used to support the education of all children and young people with Special Educational Needs and Disability in Nottinghamshire. This budget was overspent by £1.002m during 2019-2020 and by £2.473m during 2020-2021 and remains under considerable pressure as demand continues to increase.
  - There is a greater need to increase day places for children and young people requiring specialist provision in Nottinghamshire.
8. Fountaindale Special School joined the Evolve Multi Academy Trust on 1<sup>st</sup> April 2021, becoming the Harlow Academy.

### **Issues raised in the Petition**

9. The petition raised several issues not covered in the original Children and Young People's Committee report which approved the closure of the residential unit. These issues relate to:
- the original consultation and decision-making process
  - a statement made by the then Leader of the County Council dated 20<sup>th</sup> January 2021
  - the timing of the information provided to parents and carers about the change in governance status of the school.

10. The Department for Education's guidance on 'Making significant changes to maintained schools' clearly identifies the Local Authority as the decision maker regarding the proposed closure of the residential unit. The consultation process followed the Department for Education's guidance and the responses considered by Elected Members when making their decision.
11. The letter from the then Leader of the County Council dated 20<sup>th</sup> January 2021 did accurately state that the residential provision at Fountaindale Special School was not specifically named in the provision included in the Education, Health and Care Plans of students attending the school who lived in Nottinghamshire. All the other relevant local authorities were contacted as part of the consultation process on the unit's closure and no objections were received.
12. Parents and carers were aware of the proposed change in governance arrangements of the school following the Ofsted inspection in February 2020, which judged the school to be Inadequate. Once a school is judged to be Inadequate by Ofsted, an Academy Order is issued by the Secretary of State for Education. Governing bodies as a result lose their powers to decide the future of the school. At the time of the consultation the school was under an Academy Order. Details of the Evolve Trust's involvement could not be shared due to commercial sensitivity at the time.
13. Although the Evolve Academy Trust sought confirmation about the status of the residential unit, the County Council has had no discussions with the Trust about keeping the residential unit open beyond January 2021. The decision about how best to use space previously used for the residential unit lies with the Harlow Academy and the Evolve Academy Trust.

### **Other Options Considered**

14. Several other options were considered prior to the consultation on closure of the residential unit. All these options would have required addressing the concerns and additional funding from the High Needs Block budget. Fountaindale Special School joined the Evolve Trust on 1<sup>st</sup> April 2021 as Harlow Academy, and is no longer a maintained school.

### **Reason for Recommendation**

15. In response to the petition presented at Full Council in March 2021, a review has been undertaken which has found that process was followed, and the original decision was appropriate following the consultation.

### **Statutory and Policy Implications**

16. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Financial Implications**

17. The High Needs Block remains under considerable pressure with a priority to increase the number of day specialist educational placements. Continuing to fund the residential unit at Harlow Academy would have an impact on the provision of day places for children and young people requiring specialist provision in Nottinghamshire.

## **Human Resources Implications**

18. Following the decision of the Children and Young People's Committee in November 2020 to close the residential unit, the County Council's Human Resource Service undertook a formal consultation with staff and the recognised trade unions. After a full school's staffing reduction procedure and a full supportive redeployment procedure staff were either redeployed into other roles within the school or made redundant.

## **Implications for Service Users**

19. All students at Harlow Academy living in Nottinghamshire can access statutory short breaks through the Special Educational Needs and Disability Local Offer if they meet the minimum criteria. The focus of community short breaks is on supporting the independence of children and young people with Special Educational Needs and Disability and providing respite care for their families.

## **RECOMMENDATION**

That:

- 1) the contents of this report be noted, underlining that due process was followed and the original decision was appropriate.
- 2) the lead petitioner be informed accordingly.
- 3) the outcome of the Committee's consideration be reported to Full Council.

**Marion Clay**  
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## **Constitutional Comments (LW 20/05/21)**

20. Children & Young People's Committee is the appropriate body to consider the content of the report.

## **Financial Comments (SAS 21/05/21)**

21. There are no financial implications arising directly from this report.

## **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.

Ofsted Inspection of Fountaindale School (February 2020):

<https://files.ofsted.gov.uk/v1/file/50147955>

[Consultation on closure of the residential unit at Fountaindale Special School – report to Children and Young People's Committee on 21st September 2020.](#)

[Outcome of Consultation on Closure of the Residential Unit at Fountaindale Special School - report to Children & Young People's Committee on 30th November 2020](#)

## **Electoral Division(s) and Member(s) Affected**

All.

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