

**14 July 2014**

**Agenda Item: 6**

## **REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND INCLUSION**

### **PROPOSAL TO CLOSE BASSETLAW LEARNING CENTRE**

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

1. To seek approval to close the Pupil Referral Unit (PRU) known as Bassetlaw Learning Centre with effect from 31 December 2014, 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 23 April 2014 to consult on a proposal to close Bassetlaw Learning Centre with effect from 31 December 2014. The period of consultation took place between 28 April and 13 June 2014.
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 has been devolved to behaviour partnerships to support local initiatives and partnership working specified through memorandum of understanding (MoU) which specify the rights and responsibilities of schools and Notts County Council
  - 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 pupils are at risk of permanent exclusion

- the number of permanent exclusions issued in:
  - academic year 2011-2012 up to end of June 2012 was 112
  - academic year 2012-2013 up to end of June 2013 was 85
  - academic year 2013-2014 up to end of 16 June 2014 is 53

Across Nottinghamshire permanent exclusions reduced by 24% in 2012-2013 compared to the previous year and in 2013-2014 the number has further reduced by 37% to date, a total reduction of 52% in the last two years. In the corresponding period the number of permanent exclusions issued in Bassetlaw and Newark fell from 34 in 2012 to 10 in the same period to June 2014 - a reduction of 70%.

- the role of Pupil Referral Units has been 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
- approval to close Daybrook Learning Centre on 31 August has been given by Children and Young People's Committee in February 2014
- a small team of local authority staff has been developed to ensure that statutory requirements for permanently excluded pupils and those who are out of school because of their behaviour are delivered.

5. Bassetlaw Learning Centre serves the north of the County (Bassetlaw and Newark and Sherwood Districts), is located in Worksop and with effect from 1 April 2014 is commissioned to provide 25 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. Plans are in place to find more suitable pathways for pupils on roll at Bassetlaw Learning Centre who are presenting significant challenges to the centre and because of their particular needs. They will be placed in more specialist provision by the end of this academic year. In September 2014 the majority of pupils on roll will be in year 11 and will be placed out of the centre in alternative provision, which could result in the number of pupils attending on site to be as low as five.

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 Bassetlaw Learning Centre are indicating, through agreed Memoranda of Understanding (MoU) that they are currently working towards:

- Newark Town 0 places
- Bassetlaw East 3 places
- Outwood Academies 12.74 places, reducing

- The Dukeries 0 places
- Sherwood District 0 places

9. Two Sherwood District Schools, Joseph Whitaker School and The Minster School have indicated that they are looking to work together as partners and The Dukeries School has signed its MoU as an individual school. None of the schools in Newark intend to commission places at Bassetlaw Learning Centre in the future, once the current learners have left. Outwood Academies have not yet signed their MoU and Bassetlaw East currently commission three places at Bassetlaw Learning Centre.

10. The projected learner numbers on roll for September 2014, which will be at an all-time low and based upon partnerships continuing to maintain zero permanent exclusion are:

- Key Stage 3	5
- Key Stage 4 (Year 10)	5
- Key Stage 4 (Year 11)	14
<b>Total</b>	<b>24</b>

11. Overall it is considered that Bassetlaw Learning Centre does not represent value for money with regard to the cost of pupil placements and the outcomes for learners. The cost per place at Bassetlaw Learning Centre is £33,183 per pupil which is significantly higher than the national average of £15,000.

12. The annual charge levied by Landscape and Cleaning Services is £47,255 plus grounds maintenance at £2,568. A Site Manager and two cleaners have been appointed to provide a service to Bassetlaw Learning Centre. Additional site costs attributed to Bassetlaw Learning Centre are £36,250.

13. There is currently no charge from Schools Catering for meals provided on site.

## Consultation

14. Approximately 336 consultation questionnaire documents were distributed to:

- Elected Members
- MPs in the south of Nottinghamshire
- Recognised Trades Unions
- Bassetlaw 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
- Bassetlaw and Newark and Sherwood District Councils
- Department for Education

- Ofsted
  - local residents.
15. Out of the 336 questionnaires issued a total of 19 responses were received from stakeholders of which 10 were opposed to closure, three agreed and six had no view.
  16. Formal consultation meetings were held with staff, the Management Committee, residents, community groups, parents/carers, other service users and schools.
  17. Discussions were held with school partnerships as part of the implementation of the SEBD Strategy. This includes meetings with Bassetlaw and Newark School Behaviour and Attendance Partnerships (SBAPs). 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. In addition individual telephone conversations were arranged with parents/ carers as a response to the vast majority of them not attending the formal meetings.
  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 a background paper to this report.

### **Summary of consultation responses**

20. The summary of consultation responses is as follows:
  - the staff sought clarification on their rights and entitlements if the Centre was to close. They also wanted the improvements at Bassetlaw Learning Centre over the past two terms noted and expressed concern that as some schools were still excluding, alternatives to placement and individual pathways for each pupil were required. One member of staff opposed the closure through the NCC electronic consultation process.
  - 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 Bassetlaw Learning Centre are not viable. They were keen to learn more about the alternative arrangements for provision and the approach taken by the County Council to providing effective quality assurance.
  - one parent /carer attended a formal meeting and four engaged in telephone interviews. All of these opposed the closure of the Centre. Their reasons were largely about the more personal approach to pupils with better communication compared to their previous mainstream experiences and staff were always there to help. One of them praised the alternative provision away from the Centre which they described as 'absolutely brilliant'.
  - whilst some parent/ carers could see that the Centre was not viable with such small numbers, they felt that there would always be a need for a small local

centre for pupils with such difficulties. One of them thought that local secondary schools ought to develop such provision.

- of the 14 pupils who completed the questionnaire one agreed with the proposal to close, four disagreed and nine either had no view or did not comment specifically on the matter. Six pupils identified that they had made progress either socially and/or academically and that '*the centre actually wants to understand why you behave the way you do*'. One pupil who agreed with the proposal did so because; '*putting a group of badly behaved children together isn't the best idea as they make each other worse*'.
- twelve of the pupils who responded knew where their next school or alternative provision would be.
- with the exception of one response received through the NCC electronic consultation, there has been no active support for Bassetlaw 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 Bassetlaw 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. There are examples in both Bassetlaw and Newark of schools and partnerships developing their own successful alternatives to the Learning Centre. In fact a number of pupils from the Learning Centre attend one of these.
- 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 2014.

21. Taking into account the consultation responses, the proposal remains unchanged that Bassetlaw Learning Centre should close on 31 December 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 Bassetlaw 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. 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 attached as **Appendix 1**.
23. If approval is given to close Bassetlaw Learning Centre, planning for pupils will be accelerated to ensure there are suitable pathways for each of the 24 learners who could potentially be on roll, which will largely be through commissioned alternative provision. Of these 24 learners, fourteen will be in year 11 (historically, year 11

learners are educated off site) and five will be in year 10, who will also access commissioned alternative provision.

24. Each school partnership will be invited to use the additional revenue released from the closure of Bassetlaw 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).
25. 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 and Cleaners) affected by the closure are currently employed through a Service Level Agreement.
26. The affected posts are as follows:

<b>Post</b>	
Head of Centre	1
Deputy Head of Centre (vacant)	1
Specialist Teacher	1
Specialist Teaching Assistant	4
Admin Team Leader	1
Administrator	1
Site Manager	1
Cleaner	2
<b>Total</b>	<b>12</b>

### **Statutory Notice**

27. There is no requirement to issue a statutory notice to formally close Bassetlaw 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**

28. In seeking approval to consult on closure only one alternative option has been considered, which is to keep Bassetlaw 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.
29. If the Committee agrees the recommendation to close Bassetlaw Learning Centre, the County Council will need to consider the options for the future use of the building beyond 1 January 2015.

## **Reasons for Recommendations**

30. The rationale to recommend closure of Bassetlaw Learning Centre is based upon four principal issues:
- the low numbers requiring provision on site
  - the high cost per PRU place at £33,183 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 Bassetlaw Learning Centre to remain viable
  - Bassetlaw Learning Centre does not represent value for money in terms of the outcomes achieved by pupils.
31. 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 Bassetlaw Learning Centre.

## **Statutory and Policy Implications**

32. 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**

33. 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 Bassetlaw 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
34. For year 10 pupils on roll 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**

35. Bassetlaw 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. Therefore there are no financial implications for the County Council relating to this decision.

## **Public Sector Equality Duty Implications**

36. 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.
37. Equal opportunities issues for staff will be addressed within an agreed enabling document which will follow an agreed standard format.
38. 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**

39. 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.
40. 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**

41. Children who are in receipt of provision at Bassetlaw 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**

42. Any decision to close Bassetlaw Learning Centre will be addressed in line with HR policies and procedures, including consultation with the recognised Trade Unions.
43. 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.
44. 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 Bassetlaw Learning Centre with effect from 31 December 2014
- 2) arrangements are accelerated to ensure that the majority of pupils currently on roll are placed in suitable provision from 1 September 2014 and all pupils by 1 January 2015
- 3) plans continue for all school partnerships to develop alternative provision for pupils at risk of permanent exclusion.

**John Slater**

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### **Constitutional Comments (LM 25/06/14)**

45. The Children and Young People's Committee has delegated authority within the Constitution to approve the recommendations in the report.

### **Financial Comments (KLA 01/07/14)**

46. The financial implications of the report are set out in paragraph 35.

### **Background Papers and Published Documents**

- 1) The document for parents/carers, staff, governors and other interested parties explaining the proposal to close Bassetlaw Learning Centre, published on 28 April 2014
- 2) Written responses received during the formal consultation period that expired on 13 June 2014
- 3) Notes of questions and views expressed and discussed at the consultation meetings held between 28 April and 13 June 2014 with staff, Management Committee, schools, parents/carers LA services and local community
- 4) Summary of Learners' views
- 5) Summary of Parent/carer views
- 6) Equality Impact Assessment
- 7) 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
- 8) Proposal to consult on the closure of Bassetlaw Learning Centre – report to Children and Young People's Committee on 23 April 2014

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 Bassetlaw Learning Centre (BLC)

## Appendix 1

The number of consultation documents distributed was approximately 336. Comments/issues/points raised at consultation meetings and within written/electronic/on-line responses:

	No. responses received	No. responses received	No. of responses received
	Agreed	Disagreed	No view
Parent/Carer of pupil attending Bassetlaw Learning Centre	0	4	0
Parent/Carer of pupil not attending Bassetlaw Learning Centre	0	0	0
Member of Bassetlaw Learning Centre Management Committee	0	0	0
Staff employed at Bassetlaw Learning Centre	0	1	0
Staff not employed at Bassetlaw Learning Centre	0	1	0
Pupil attending Bassetlaw Learning Centre	1	4	9
Pupil not attending Bassetlaw Learning Centre	0	0	0
Other	0	1	0
<b>TOTALS</b>	<b>1</b>	<b>12</b>	<b>9</b>
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/carer', governor, 'staff' and then 'other'.			

A total of 22 (6.5%) responses from consultation documents issued were received from stakeholders of which 12 were opposed to closure, one agreed and nine had no view.

In addition formal consultation meetings were held with staff, the Management Committee, schools, other service users, parent/carers and residents/community groups.

Bassetlaw 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 the vast majority who did not attend one of the two the formal meetings.

### Summary of Stakeholder Views

#### The SEBD strategy and decision making process

Views expressed in the Management Committee's consultation meeting was that although not a reflection on the capability of staff, it has become apparent that the current arrangements for provision at Bassetlaw Learning Centre are not viable. They were keen

to learn more about the alternative arrangements for provision and the approach taken by the County Council to providing effective quality assurance.

Whilst some parent/ carers could see why the Centre was not viable with such small numbers, they felt that there would always be a need for a small local centre for pupils with such difficulties. One parent felt that local provision which could be run by schools would assist in maintaining friendships which might otherwise have been lost if pupils had to travel away from their local area for provision.

With the exception of one response from a member of staff from a school there has been no active support for Bassetlaw Learning Centre to remain open from individual staff, schools and school partnerships during the formal consultation period. This is also the case in relation to other services and local residents.

The majority of schools, through their school partnerships served by Bassetlaw 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. There are examples in both Bassetlaw and Newark of schools and partnerships developing their own successful alternatives to the Learning Centre. In fact a number of pupils from the learning Centre attend one of these.

One Bassetlaw Learning Centre staff member posted an on-line response which stated:

*'I understand that it is not viable to keep the centre open due to building size and costs etc. However there is still a need for a support service which can respond to the needs of the most challenging and vulnerable students in Bassetlaw. Staff should be moved to a different location, providing continued support to these children/families and schools'*

One member of staff from a school posted an on-line response which stated:

*'The centre provides a safe environment for vulnerable children to be in. They help children to make progress. I disagree with the idea that other alternatives provide value for money when they put children on part time timetables, roaming the streets, unaccounted for leaving them open to safeguarding issues.*

*At least at the centre children access 25 hrs education entitlement and we all know where they are as we have the resources to chase them and their parents up, other providers don't have the time, staff or inclination to do this.*

*The centre provides the children with a chance to improve their academic skills but more importantly to develop their social, emotional skills and is value for money. Supporting these children is going to be expensive. Sending them all over to different providers is too fragmented and disjointed with no one overseeing the whole picture'*

Two colleagues who attended from an alternative provider sought clarification as to future demand if the Centre closed and how they could support the transition process for pupils.

### **Staffing matters**

The staff sought clarification on their rights and entitlements if the Centre was to close. They also wanted the improvements at Bassetlaw Learning Centre over the past two terms

noted and expressed concern that as some schools were still excluding, alternatives to placement and individual pathways for each pupil were required.

Staff also expressed a strong view that if the Centre does close the alternative provision required needed to meet the needs of those learners who would otherwise have attended.

At the staff consultation attended by staff and Recognised Trade Unions (RTUs) clarification was provided that were Bassetlaw Learning Centre to close all staff would be in a redundancy situation and in the event of it remaining open there would need to be sufficient demand for places for it to be viable from 1 January 2015.

### **Building and site related issues**

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.

### **Financial issues**

Staff sought clarification on the source of the average national per capita cost of £15,000 compared to the £30,373 quoted in the consultation document. This figure was arrived at based upon visits made by NCC staff to other establishments across the country as part of the SEBD Review in 2012 and through national comparative figures.

### **Pupil, Curriculum, Community and other related issues**

Of the 14 pupils who completed the questionnaire one agreed with the proposal to close, four disagreed and nine either had no view or did not comment specifically on the matter. Six pupils identified that they had made progress either socially and /or academically and that; *'the centre actually wants to understand why you behave the way you do'*. The one pupil who agreed with the proposal stated; *'putting a group of badly behaved children together isn't the best idea as they make each other worse'*.

Two older KS4 pupils who have recently been placed in alternative provision were critical of the provision on the Bassetlaw site.

A KS3 pupil wrote ; *'I have been to Bassetlaw for 2 years and it really helped me to improve my behaviour. Before I would get into fights. It calmed me down'*.

Twelve of the pupils who responded knew where their next school or alternative provision would be.

One parent/ carer attended a formal meeting and four agreed to engage in telephone interviews. All of these opposed the closure of the Centre. Their reasons were largely about the more personal approach to pupils with better communication compared to their previous mainstream experiences and the accessibility of readily available help from Centre staff including talking through any problems. Having access to good alternative provision away from the Centre was helpful and in some cases described very positively, and by one parent as *'absolutely brilliant'*.

A number of parents reported that pupils were happier at Bassetlaw Learning Centre compared to their previous school.