

21st September 2020**Agenda Item: 14****REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND
SKILLS****CONSULTATION ON CLOSURE OF THE RESIDENTIAL UNIT AT
FOUNTAINDALE SPECIAL SCHOOL****Purpose of the Report**

1. This report seeks the Committee's approval to undertake a statutory consultation on the proposed closure of the residential unit at Fountaindale Special School. Following the Department for Education's statutory guidance on making significant changes to maintained schools, and as a result of the Stage 2 consultation, a statutory proposal will be considered by Members. **Appendix 1** provides an outline of the consultation process.

Information

2. Fountaindale Special School is operated by Nottinghamshire County Council and has provision for physically disabled and sensory-impaired children and young people aged from 3 to 18 years. There are 77 pupils on roll at the school.
3. The school has a small residential unit which is adapted to meet the physical needs of children and young people. Residential care is provided during term time for pupils aged 14 to 18 years on a rota. The primary focus of the service is to promote independence and improve social skills.
4. The residential unit is used two nights (Monday and Tuesday) for up to four young people per night for a period of 10 weeks. Over the school year the potential is for 24 students to access the unit for one night over 10 weeks.
5. All the children and young people accessing the residential provision are current students at Fountaindale Special School.
6. The school receives an annual budget from the High Needs Block of £116,000 to support the provision which currently breaks even. All staff working in the residential unit are employed by the school.
7. A recent Ofsted inspection (February 2020) of the residential unit 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.
8. Following the Ofsted inspection, the Interim Executive Headteacher of the school decided to close the residential unit with no places allocated for the Summer term.
 9. The residential unit's provision is not recorded in the Education, Health and Care Plans of the current cohort of pupils. All Fountaindale pupils living in Nottinghamshire can access statutory short breaks through the Special Educational Needs & Disability (SEND) Local Offer, if they meet the minimum criteria.
 10. The Interim Executive Headteacher has notified the County Council's Human Resources team regarding these developments and will work closely with the Local Authority to resolve the staffing issues resulting from the suspension of the residential unit and its possible future closure.

Other Options Considered

11. The statutory consultation will not provide any alternative options to the closure of the residential unit at Fountaindale Special School. The decision for Members following the consultation will be to keep it open or close the unit.

Reason for Recommendation

12. The Department for Education's statutory guidance on making significant changes to maintained schools outlines a four-stage process. Stage 2 of the process is a formal consultation for a minimum of four weeks which this report seeks the Committee's approval for.

Statutory and Policy Implications

13. 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

14. If following the consultation, the County Council decides to close the residential unit at Fountaindale Special School there will be an annual saving to the High Needs Block (Dedicated Schools Grant) budget of £116,000.

Human Resources Implications

15. All the residential staff are employed by Fountaindale Special School. There may be opportunities for redeployment within the school. The County Council's Human Resources team is aware of the possible implications following the outcome of the public consultation.

Implications for Service Users

16. All Fountaindale pupils living in Nottinghamshire can access statutory short breaks through the SEND Local Offer, if they meet the minimum criteria.

RECOMMENDATION/S

- 1) That Committee gives approval for a statutory consultation on the proposed closure of the residential unit at Fountaindale Special School.

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Constitutional Comments (EP 11/08/20)

17. The recommendation falls within the remit of the Children and Young People's Committee by virtue of its terms of reference.

Financial Comments (SAS 20/08/20)

18. There will be an annual saving to the High Needs Block (Dedicated Schools Grant) budget of £116,000 if, following the consultation, the County Council decides to close the residential unit at Fountaindale Special School.

HR Comments (RH 11/08/20)

19. Discussions have taken place with the recognised trade unions - NEU, NASUWT, ASCL, NAHT, Unison and GMB - who have been notified of the intention to consult on proposals to close the residential unit. The HR Service will support the process of formal consultation with staff and the recognised trade unions in due course. The current staffing of the residential unit is as follows:

Support staff:

2 x Grade 5 (1.541 FTE)

4 x Grade 4 (2.000 FTE)

The current residential unit staff have been temporarily re-deployed within the school.

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>

Electoral Division(s) and Member(s) Affected

All.

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