

# Public Document Pack

## North Yorkshire County Council Children and Young Peoples Service - Executive Members & Corporate Director Meetings

Tuesday, 25 January 2022 / 1.00 pm

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### A G E N D A

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1 **Apologies for Absence**

2 **Declarations of Interest**

**Items for Executive Member decision**

- 3 Brompton Hall Special School – Approval to go out to public consultation on residential changes (Pages 3 - 34) (Pages 3 - 34)

To seek approval from Executive Members to progress to public consultation on changing the designation of Brompton Hall School from Boys only to co-educational and on the proposal to phase out and cease residential provision at the school.

**Any Other Business**

- 4 Date of future formal meetings

8 February  
8 March  
5 April  
3 May  
24 May  
7 June  
5 July  
2 August  
6 September  
4 October  
1 November  
6 December

**Circulation:**

**Executive Members**

Janet Sanderson  
Patrick Mulligan

**Officer attendees**

Stuart Carlton  
Howard Emmett  
M Sadler

**Presenting Officers**

Chris Reynolds

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NORTH YORKSHIRE COUNTY COUNCIL  
CHILDREN AND YOUNG PEOPLE'S SERVICE  
CORPORATE DIRECTOR'S MEETING WITH EXECUTIVE MEMBERS

25<sup>th</sup> January 2022

## REVIEW OF SEND RESIDENTIAL PROVISION BROMPTON HALL SCHOOL

### **1.0 Purpose of report**

- 1.1 The purpose of this report is to seek approval from Executive Members to progress to public consultation on:
- Changing the designation of Brompton Hall School from Boys only to co-educational
  - The proposal to phase out and cease residential provision at Brompton Hall School.

### **2.0 Executive Summary**

- 2.1 As part of the statutory responsibilities of the Local Authority to keep its special educational provision under review and to ensure that the needs of children and young people with SEND are suitably met, a review of residential provision at Brompton Hall School has been undertaken.
- 2.2 Brompton Hall is one of two maintained special schools in North Yorkshire which offer 4 night per week residential provision. It provides day, extended day and residential provision for children and young people aged 8 – 16 with Social, Emotional and Mental Health needs. The school's current designation is as a single sex, boys school.
- 2.3 The last 3 years have seen a steady decline in demand for residential placements, from 38 to 29. The forecast for the next 3 years, with placements based on assessed care and educational needs, indicates a sharp decrease which will have significant implications for the viability of the school budget.
- 2.4 Consideration was made of both continuing the current residential offer at Brompton Hall and ceasing residential provision at the school. The benefits and risks of these options are outlined within this report.
- 2.5 The provisional financial analysis which has been undertaken for option 2 suggests that there is the potential for savings to the LA in the region of £237,000 as part of a wider review of residential provision. The financial analysis also highlights that the school budget is likely to experience turbulence during the transition from current to proposed model and the LA will need to work with the school to mitigate this.
- 2.6 It is therefore requested that approval be given to undertaken formal consultation on ceasing residential provision at Brompton Hall in a planned way and amending the designation to co-educational as outlined within this report.

### **3.0 Issues and Background**

- 3.1 The LA has a statutory responsibility under the Children and Families Act 2014 to keep its special educational provision under review, to ensure sufficiency in placements to meet the needs of children and young people with special educational needs and / or disabilities (SEND).

**3.2** Under the same Act the local authority also has responsibility for ensuring that the needs of children and young people with SEND are suitably assessed and that needs are met.

**3.3** This review has been undertaken with a specific focus on the key lines of enquiry described below:

- The context of nationally recognised best practice and published research findings
- Alignment with North Yorkshire County Council’s vision for children in terms of care and educational provision
- Trends in the need for residential provision across the county over the past 3 years and forecasted trends moving into the future
- Rationale and decision making for the placing of children in residential provision
- Quality of the offer
- Outcomes for children and young people
- The voice of children and young people and their families at the point of assessment and in reviews
- Analysis and consideration of the possible implications of any changes to residential provision involving cross directorate input from across Children’s Social Care.

**3.4** This report details the findings of the review into residential provision at Brompton Hall school. This was part of a wider review of all maintained residential provision in North Yorkshire and a report and proposal for the future of residential at Welburn Hall school has previously been submitted (see appendix 1). A public consultation was held on these proposals from 14<sup>th</sup> October – 2<sup>nd</sup> December and final recommendations will be presented to the Executive in March 2022.

**3.5 National context**

**3.6** In 2017 Dame Lenehan was commissioned by the government to undertake a review of residential special schools with a subsequent report published in November 2017. “Good Intentions. Good Enough? A review of the outcomes of children and young people in residential special schools and colleges.”  
[DfE independent report template \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642123/dfe-independent-report-template.pdf)

**3.7** In particular, the report concluded that many of the children and young people currently in residential special schools and colleges could be educated in their local communities if better support was available. The report recommended that local authorities should, in future, work more closely with parents, clinical commissioning groups and all providers to develop a range of flexible, local solutions for these children and young people.

**3.8** According to data published in national statistics, for special educational needs, demand for residential placements in special schools has dropped significantly over the last 5 years despite a national 24% increase in EHCPs being issued. For links to data sets see Appendix 2.

Whilst the number of residential special schools has dropped by 20% the data also shows an even more significant decline in the volume of places by 29%.

Census date	Total boarding special schools	Total number of boarding students	Total pupils with EHCP or statements in England
Jan 2016	223	5255	236,805
Jan 2017	210	4850	242,185
Jan 2018	206	4660	253,680
Jan 2019	189	4033	271,165
Jan 2020	178	3755	294,800
Jan 2016 – Jan 2020 Difference	-20.18%	-28.54%	24%

**3.9** When looking at LAs which are statistical neighbours to North Yorkshire, as defined by [Local authority interactive tool \(LAIT\) - GOV.UK \(www.gov.uk\)](#) there is no correlation between a decline in the number of LA maintained residential special schools and an increase in independent residential special schools. The table below illustrates this with figures for North Yorkshire and top 10 statistical neighbours:

Census date	academy boarder school	Community special border schools	State funded boarder students	Other independent boarder special schools	Other independent special school boarders	Non-maintained special boarder schools	Non-maintained boarder students	Total boarding special schools	Total boarding students at special schools
Jan 2016	6	9	475	11	250	6	330	32	805
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Jan 16-Jan 20 difference	0	-22.22%	-21.05%	-9.09%	-15	-50%	-60	-18.75%	-160

For links to national statistics data source see Appendix 2.

### 3.10 North Yorkshire Context

**3.11** North Yorkshire County Council sets the vision that all children and young people with SEND in North Yorkshire should:

- Have the best educational opportunities so that they achieve the best outcomes.
- Be able to attend a school or provision locally, as close to their home as possible, where they can make friends and be part of their local community.
- Make progress with learning, have good social and emotional health, and to prepare them for a fulfilling adult life.
- Wherever possible live with their family or within a family environment

**3.12** There are two maintained special schools in North Yorkshire which offer residential (4 night) provision. Both of the schools are within the Scarborough, Whitby, Ryedale locality.

- Brompton Hall provides extended day and residential provision for boys with SEMH needs across ages 8 -16.
- Welburn Hall provides day and residential provision for children and young people aged 8 – 19. They support a range of learning and communication based needs including Autism Spectrum Condition (ASC), Speech, Language and Communication Needs, Moderate and severe Learning Difficulties.

**3.13** Within current funding arrangements £18,978 per annum is paid for each 4-night residential placement with £421 contextual funding, this is in addition to £10,000 base funding and each child's element 3 top up funding (average of £7,286) to give an average total cost of £38,685 per residential placement. Where pupils attend on an extended day placement basis, the funding rate is £6,326 per place per annum. The rates for the residential elements of the funding are consistent across both Brompton Hall and Welburn Hall. For the academic year 2020/21, Brompton Hall received £591,741 in residential element funding for boarding pupils, excluding element 3 and contextual funding. This funding is provided solely from the High Needs Block Budget with no formal arrangements for contributions from Health or Social Care.

**3.14** Independent and out of county placements account for almost a third of all residential placements and at the start point of this review in November 2020 was costing £4,673,943. There continues to be increasing pressure in this area. These costs are funded from High Needs Block for educational needs and from Children and Adults Social Care for the care elements.

## 4.0 Brompton Hall

**4.1** Brompton Hall is a residential special school for boys aged 8 to 16 which specialises in SEMH provision. Criteria for residential placement was updated in 2017 to ensure that there was a clearly assessed care or educational need for residential placement. Since this criteria was introduced, and been consistently applied, there has been a decline of numbers of new residential placements. With numbers forecast to continue to fall it is likely that this will present a viability issue for the school within the next 3 years.

<b>Brompton Hall School</b>							
	2018/19	2019/20	2020/21	FORECAST:	2021/22	2022/23	2023/24
Residential places	38	35	29		23	18	11

**4.2** The cases of all new students placed residentially in Brompton over the last 4 years were analysed. Whilst SEMH was the primary need identified 70% of the young people also had a diagnosis of ASD, ADHD or Attachment Disorder. This highlights the increasingly complex nature of the needs of the young people attending the school.

70% of cases joined the school as residential pupils whilst they were in Year 4, with the remaining 30% joining in Year 5. 60% had some form of social care involvement at the time of placement, with 30% of cases examined being children in care at this point.

**4.3** The cases analysed clearly demonstrated that only a very small minority of residential pupils had either a requirement for a '24 hour curriculum' specifically listed within their Education Health and Care Plan or lived outside of the accepted travel time, according to national guidance, for a day placement.

**4.4** There was no evidence to suggest that the placement of young people as day / extended day or residential affected the post 16 destinations of leavers over the last 4 years, with no correlation seen between whether a pupil had been a residential or day placement and their post 16 progression. A detailed breakdown can be seen in Appendix 2. A summary of destinations over recent years is shown below which indicates a positive record of students moving onto further education or training providers.

<b>Overall summary</b>	FE	LA maintained special school	Training provider	Supported internship	Specialist post-16 institution	Ceased EHCP
2017-2020	pupils %	pupils %	pupils %	pupils %	pupils %	pupils %
	50%	3%	25%	3%	3%	17%

**4.5** This review also considered the annual reviews of the young people EHCPs in residential provision. 100% reported 'expected' progress had been made academically from starting points – the majority of pupils are working below age related expectations due to disrupted school histories prior to starting at Brompton. However little evidence was seen of accelerated progress to close these gaps being reported. 50% had made good progress towards SEMH focused outcomes reported in their reviews but again limited additional evidence was provided to evidence progress.

- 4.6** In 60% of cases considered during this review parents / carers are recorded by the school as stating their support for residential placement and for a continuation of what is being provided. The child's views on residential placement, either on entering placement or at reviews, was often unclear.
- 4.7** Across the remainder of the county Forest Moor, located in Harrogate locality, is the only other special school to cater for similar needs to Brompton Hall. With demand increasing for SEMH day places across a vast geographical spread it is important that Brompton Hall can continue to focus on serving the eastern part of the county with increased day places.
- 4.8** In June 2021 the school was subject to an Ofsted inspection (see Appendix 3) as a result of which the school was rated as 'Inadequate' in all areas. The school currently has an acting Headteacher and an IEB has been established to provide governance. The LA has been working closely with the school to address the various concerns highlighted. Under the direction of the Regional Schools Commissioner it is intended that the school will convert to an Academy.

## **5.0 Options**

### **5.1 Option 1**

#### **5.2 Continue providing residential placements according to current criteria.**

The current criteria for a residential placement was updated in 2017 and aligns with North Yorkshire Children's Service strategic vision that wherever possible children and young people should be supported to remain in family placements and be educated in their own communities. The criteria specifically references the requirement of an assessed need for residential provision to meet either educational and/or social care needs. As a result of consistent application, the demand for residential placements at Brompton Hall is declining rapidly and is likely to make the provision unviable in the future.

### **5.3 Benefits summary**

- 5.4** The current offer means that maintained SEMH residential provision is available for boys if there is an identified social care need. However, these cases are evidenced as being limited in number.
- 5.5** Currently this provides a cost efficient model in comparison to out of county placements, however declining numbers are likely to make the existing funding model unviable so would require review with a substantial increase in residential place funding almost certain.

### **5.6 Risks summary**

- 5.7** The number of required placements have declined and is forecast to continue (see 4.1 above) so that under the current model the residential provision's viability is highly likely to become very challenging for the school.
- 5.8** Children and Families current practice model is focused on children remaining in family placements wherever possible which will contribute to declining demand for the residential offer at Brompton Hall.
- 5.9** Brompton Hall school is a boys only provision. This presents equality issues for children and young people with SEND. There is no day provision for girls with SEMH needs in the Scarborough, Whitby, Ryedale locality. The designation of the school as a 'boys' school also poses issues for placement of young people with SEMH who may not identify as either male or female.
- 5.10** There have been concerns around safeguarding at the school resulting in a full review by the LA and followed by Ofsted inspection. Action was taken by the LA to address identified issues and an IEB has been established to provide strengthened governance for the school.

### **5.11 Option 2 – recommended option.**

**Cease residential provision, phasing out as current pupils reach the end of a key stage, with no further commissioned places from Sept 2023 – residential placements will have ceased by Sept 2024.**

### **5.12 Benefits summary**

**5.13** Declining numbers threatens viability of the current provision. This option would ensure that the reduction and ceasing of residential provision would be carried out within the context of clear transition planning for individuals ensuring that any young person's exit from residential is fully supported.

**5.14** Only a very small minority of the cases reviewed had an assessed SEND need for a 24 hour curriculum detailed in their EHCP. Children and Families practice model also seeks to support children and young people in family settings whenever possible.

**5.15** Ceasing residential provision would enable the LA and school to work together on two significant day provision issues. Despite reduced demand for residential provision, demand for day, or extended day places for children with SEMH remains strong. As residential provision is reduced over time, the LA's intention would be to support the school to increase the number of day places available. This would also provide the opportunity for the school to make provision for girls and those young people who identify as non-binary, addressing the identified equalities issue. In addition, a wider review of extended day places across the county would allow for an exploration of equity of this offer amongst the county's special schools.

**5.16** An initial financial analysis suggests potential reduction in spend to the High Needs Block of approximately £408,000 per annum once residential provision has ceased completely. There is further detail of financial implications outlined below in 6.0 – 6.7.

**5.17** At this current time, a clear proposal for the future of residential provision at Brompton Hall, which supports the council's forecasted demands for SEND provision, will provide clarity for any successful academisation process to take place.

### **5.18 Risks Summary**

**5.19** There was limited evidence of assessed social care need for current placements at Brompton Hall as evidenced through evaluation of EHCPs and with consideration by Children and Families Service officers. However, there remains a risk that a small number of children in the future may require both care and education provision. The LA will ensure the most suitable living and educational arrangements are made in line with our statutory duties and established principles.

**5.20** If the recommendation is approved it is proposed that there would be a phased ceasing of provision across 2 years to allow for robust transition plans to be developed for individuals. As outlined in the benefits section above, this would mean that the situation of declining numbers which is already happening, can be managed in a way that best supports the children and families concerned. It will also allow for the majority of children already placed on a residential basis to reach a natural transition point.

**5.21** The proposal, further consolidated by the likely transfer to a Multi Academy Trust, understandably may lead to concern and uncertainty for school staff and the wider community. The local authority will work with the school closely to ensure communication is effective.

**5.22** The academy conversion will require clarity with regards to the Local Authority's commissioning intentions as it is likely to have a material impact upon the staffing requirements in the future.

**5.23** If a Trust sponsor is not confirmed and a transfer does not happen within current anticipated timescales, the Local Authority will need to work with school Leaders and IEB members to support any resulting reorganisation required.

**5.24** If the residential offer was to cease completely the school would need to consider the best use of the current residential accommodation. This may involve capital works to change the use of some rooms. An initial assessment has identified spaces that could be reallocated to increase day places in a cost effective way. Further work is being carried out to develop accurate estimates of cost.

## **6.0 Financial Implications**

**6.1** In constructing the financial analysis, it has been assumed that :-

- no new residential placements are made at Brompton hall from September 2022 onwards - and that all residential provision is discontinued with effect from September 2024
- all pupils who would otherwise have been admitted into residential provision will access extended day provision ( in the same percentages and funding rates as applicable to the rest of the school population)
- no other placement costs are incurred as a result of the discontinuation of residential provision

**6.2** The financial analysis at this point has not considered potential severance costs incurred as a result of the proposed changes, and it has not taken into account the potential capital spend that will need to be incurred to convert spaces to facilitate an increase in the day capacity at the school.

**6.3** An assumption has been made that, in the future, pupils who would otherwise have been in residential provision will require transport to school on a daily basis, and costed on the basis of average journey distance of 15 miles, two pupils per route and an average cost of £5 per mile. It is acknowledged that these costs are speculative.

**6.4** Applying these assumptions generates a reduction in spend of approximately £408k in a full financial year (2025/26) to the high needs budget or £237k to the overall local authority resources when the additional transport costs are taken into account.

**6.5** Brompton Hall has a positive initial balance (£729k as at March 21) but is forecasting a trajectory that would result in a deficit of £277k by March 24. We would envisage that position will come under further pressure as the school seeks to initiate improvements following its recent Ofsted inspection outcome.

**6.6** Initial financial analysis has included a review of the school's 5 year budget plan which indicates that ceasing residential provision would not be detrimental to the school's financial position. At this point work indicates that if the proposed change is accompanied by expansion of day placements to approximately 85 over a three year period, the financial position of the school could be enhanced.

**6.7** The particular challenge relating to Brompton Hall will be the risk of the residential provision not being viable during the 2 year transitional period - because the school is unable to safely reduce staffing levels directly in proportion to the planned reductions in the number of residential placements. Any proposed changes to residential funding to support the school through this period would need to be ratified by North Yorkshire School's Forum.

## **7.0 Legal Implications**

**7.1** The LA has a statutory responsibility under Section 27 of the Children and Families Act 2014 to formally consult on proposed changes to provision for SEND.

**7.2** Brompton Hall School's current designation is as a single-sex boys only, 8-16 age range LA maintained special school which has boarding provision. It also states type of SEN provision as SEMH. The proposal described in option 2 would include admitting girls, currently outside of this designation, and removing boarding provision. Subject to the outcome of the initial consultation, there would be a statutory requirement to change the designation of the school under the proposals that have been outlined in option 2.

**7.3** Legal advice has been sought and it is recommended that the following steps are taken in order to fulfil all the required statutory duties and undertake a thorough consultation process:

**7.4 Step 1:** 6 week statutory public consultation to satisfy section 27 of the Children and Families Act 2014

**Step 2:** 6 week public consultation on proposals for school reorganisation

**Step 3:** 4 week statutory representation period for school organisation proposals

**7.5** If this process was followed the final decision would be likely to be requested in autumn 2022.

## **8.0 Proposed timeline**

**8.1** It is suggested that the timeline below is followed.

<b>Activity</b>	<b>Date</b>
Exec members	25 <sup>th</sup> January
Consultation to start	7 <sup>th</sup> Feb
Consultation to end	25 <sup>th</sup> March
Decision by Executive following consultation	19 <sup>th</sup> April 2022
Change of designation process: (Subject to consultation outcome)	Summer 2022
Implementation	September 2023

## **9.0 Reasons for Recommendations**

**9.1** The recommendation to consult publicly on option 2 is being proposed to assist the LA in discharging its duty to keep SEND provision under review. As part of this review process it is important that the provision commissioned within the authority is reflective of current and future needs.

**9.2** Having undertaken a detailed review of current and future demand and assessed the provision requirements going forward, it is felt that option 2 is the mostly likely option to:

- Ensure Brompton Hall remains financially viable.
- Contribute to achieving the council's vision to enable young people to live in a family environment wherever possible.
- Provide an equitable offer of education to support SEMH needs for boys, girls and those who identify as non-binary.

## **10.0 Recommendations**

**10.1** It is recommended that Executive Members:

- Note the findings of the review of residential provision.
- Approve moving to public consultation on the recommended option 2 – cease residential provision and change designation to co-educational school.

**STUART CARLTON**  
**CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE’S SERVICE**

**Report prepared by: Chris Reynolds** Head of SEND Strategic Planning and Resources

**14<sup>th</sup> January 2022**

## **Appendix 1**

Review of residential provision – Welburn Hall School  
Report submitted to Exec members 5<sup>th</sup> October 2021

### North Yorkshire County Council Executive Members briefing 5<sup>th</sup> October 2021

#### Review of SEND residential provision ASD / LD – Welburn Hall School

##### **1.0 Purpose of report**

- 1.1 The purpose of this report is to:
- inform Executive Members of the findings of the review and the recommended proposal for the future of residential provision at Welburn Hall school
  - seek approval from Executive Members for public consultation on the recommended option

##### **2.0 Executive Summary**

- 2.1 As part of the statutory responsibilities of the LA to keep it's special educational provision under review and to ensure that the needs of children and young people with SEND are suitably assessed and that needs are met a review of residential provision for ASD / LD was undertaken.
- 2.2 Welburn Hall is one of two maintained special schools in North Yorkshire which offer 4 night per week residential provision. It provides day and residential provision for children and young people aged 8 – 19 with a range of learning and communication based needs including Autism Spectrum Condition (ASC), Speech, Language and Communication Needs, Moderate and Severe Learning Difficulties.
- 2.3 Currently the residential aspect of the school is part of the 6th form curriculum offer to promote independence skills and preparation for adulthood. The last 3 years have seen a gradual decline in demand for residential placements, from 29 to 24. However, the forecast for the next 3 years, with placements based on assessed care and educational needs, indicates a sharp decrease which will have significant implications for the viability of the school budget. The school has been supported by a local authority efficiency review but it considers that significantly improving its financial outlook is dependent upon resolving the financing of the residential provision and that a continuation of the existing model of residential provision would be unsustainable.
- 2.4 An analysis of independent and out of county residential placements was undertaken. These account for almost a third of all residential placements at a cost of £4,673,943 per annum (Nov 2020) and are funded from High Needs Block for educational needs and from Children and Adult Social Care for the care elements. Further pressure continues to develop within this budget due to the volume of children with SEND increasing. Children and young people in these placements typically have very complex care needs.
- 2.5 A group of cases were identified where the children and young people have been assessed as having primary needs which are aligned with Welburn's designation. At the point of needing a residential placement to meet assessed needs each of these pupils was under 14 and was ultimately placed in out of county or independent setting as a result of the Welburn residential offer being a 4 night, post 16 developing independence offer which was unable to address the provision identified in the EHCPs. In addition, the majority of the young people required 38 week, full term boarding as a result of their care needs. The average cost per pupil for placement is £186,958. The information gathered from this study of cases was used to identify what a residential offer would need to look like in order to be likely to meet the assessed needs of pupils with a similar profile.
- 2.6 Consideration was made of both continuing the current residential offer at Welburn Hall and ceasing residential provision at the school. The benefits and risks of these options are outlined within this report. An alternative residential offer has been suggested and is the option that is recommended to move forward

to consultation in order to gather feedback from all stakeholders. Option 3 outlines the proposal to extend Welburn Hall's residential provision to accommodate pupils from across its age range (8-19), with needs currently within its designation of SLCN and LD. It also proposes to extend the residential offer for up to 7 nights per week term time boarding where assessed care needs require this. It is suggested that 4 years would be needed to transition fully to this model as the final cohort based on the current post 16 offer completes their course whilst commissioning for the new profile is managed gradually in line with this. As a result of this proposed offer benefits would include more young people with these needs being able to be educated and grow up in their local area and a decrease in demand for high cost independent and out of county residential placements.

- 2.7 The provisional financial analysis which has been undertaken for option 3 suggests that there is the potential for significant savings to the LA in the region of £450 – 650k. Further collaborative work with the school is required to validate and review this analysis. The financial analysis also highlights that the school budget is highly likely to experience significant turbulence during the transition from current to proposed model and the LA will need to work with the school to mitigate this.
- 2.8 It is therefore requested that approval be given to undertaken formal consultation on option 3 outlined within this report.

### 3.0 **Issues and Background**

- 3.1 The LA has a statutory responsibility under the Children and Families Act 2014 to keep its special educational provision under review, to ensure sufficiency in placements to meet the needs of children and young people with special educational needs and / or disabilities (SEND).
- 3.2 Under the same Act the local authority also has responsibility for ensuring that the needs of children and young people with SEND are suitably assessed and that needs are met.
- 3.3 This review has been undertaken with a specific focus on the key lines of enquiry described below:
- The context of nationally recognised best practice and published research findings
  - Alignment with North Yorkshire County Council's vision for children in terms of care and educational provision
  - Trends in the need for residential provision across the county over the past 3 years and trends moving into the future
  - Rationale and decision making for the placing of children in residential provision
  - Quality of the offer
  - Outcomes for children and young people
  - The voice of children and young people and their families at the point of assessment and in reviews
  - Analysis and consideration of the possible implications of any changes to residential provision involving cross directorate input from across Children's and Health and Adult Social Care.

### 3.4 **National context**

- 3.5 In 2017 Dame Lenehan was commissioned by the government to undertake a review of residential special schools with a subsequent report published in November 2017. "Good Intentions. Good Enough? A review of the outcomes of children and young people in residential special schools and colleges."  
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- 3.6 In particular, the report concluded that many of the children and young people currently in residential special schools and colleges could be educated in their local communities if better support was available. The

report recommended that local authorities should, in future, work more closely with parents, clinical commissioning groups and all providers to develop a range of flexible, local solutions for these children and young people.

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For links to national statistics data source see Appendix 1.

### 3.9 North Yorkshire Context

- 3.10** North Yorkshire County Council embraces the vision that all children and young people with SEND in North Yorkshire should:
- Have the best educational opportunities so that they achieve the best outcomes.
  - Be able to attend a school or provision locally, as close to their home as possible, where they can make friends and be part of their local community.
  - Make progress with learning, have good social and emotional health, and to prepare them for a fulfilling adult life.
  - Wherever possible live with their family or within a family environment

**3.11** There are two maintained special schools in North Yorkshire which offer residential (4 night) provision. Both of the schools are within the Scarborough, Whitby, Ryedale locality.

- Brompton Hall provides extended day and residential provision for boys with SEMH needs across ages 8 -16.
- Welburn Hall provides day and residential provision for children and young people aged 8 – 19. They support a range of learning and communication based needs including Autism Spectrum Condition (ASC), Speech, Language and Communication Needs, Moderate and severe Learning Difficulties.

**3.12** Within current funding arrangements £18,978 per annum is paid for each 4-night residential placement with £2,421 contextual funding, this is in addition to £10,000 base funding and each child’s element 3 top up funding (average of £7,286) to give an average total cost of £38,685 per residential placement. The rates for the residential elements of the funding are consistent across both Brompton Hall and Welburn Hall. For the academic year 2020/21, Welburn Hall received £311,651 for the residential element of funding (excluding contextual, base and E3 funding). Under the current arrangements the funding for commissioned places is provided solely from the High Needs Block Budget. Funding for bespoke health or social care provision for individuals who need it is agreed on an individual basis with those service areas.

**3.13** In addition to the 53 residential places commissioned from the two maintained schools a further 25 young people have residential placement in either an independent or out of county setting.

#### **4.0 Welburn Hall**

**4.1** Welburn Hall currently has 70 places including 24 children who access a 4 night boarding offer during term time. Currently the residential aspect of the school is part of the 6th form curriculum offer to promote independence skills and preparation for adulthood. The last 2 years have seen a slight drop in the number of residential placements, as shown below.

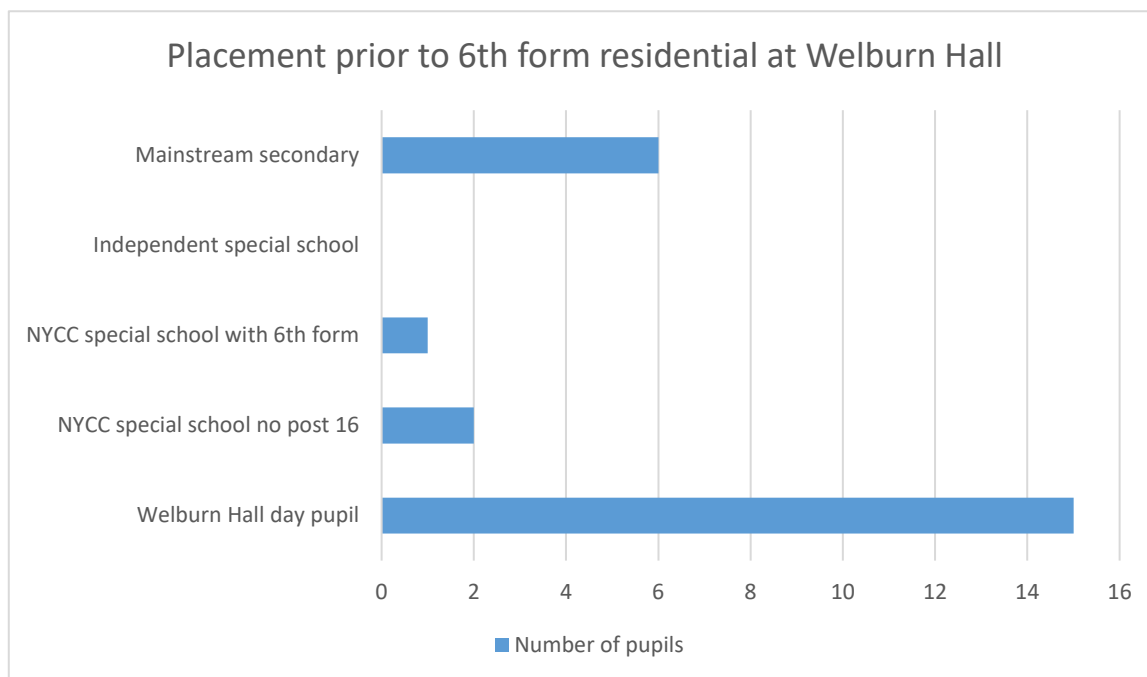
<b>Welburn Hall School</b>				
	2017/18	2018/19	2019/20	2020/21
Residential places	29	28	21	24

**4.2** However, the forecast for the next 3 years, with decisions about residential placement being based on assessed care and educational needs, suggests a sharp decline in demand. The forecasted numbers can be seen in the table below

<b>Welburn Hall School</b>			
	2021 / 22	2022 / 23	2023 / 24
Residential places post 16	14	11	6

**4.3** This has significant implications in terms of the viability of the school budget. Welburn Hall has accumulated a significant financial deficit – currently standing at £783k (as at March 21) and forecast to increase to circa £1.5 million by March 26, assuming no changes are made to the residential operation and reflecting that the residential offer does not currently break even from the school’s perspective. The school was supported by a local authority efficiency review in November / December 2020. The school has responded positively to this exercise, but it considers that significantly improving its financial outlook is dependent upon resolving the financing of the residential provision and that a continuation of the existing model of residential provision would be unsustainable.

- 4.4** The school has been rated Good both for education and the residential provision during Ofsted monitoring inspections in February, May and November 2020. The most recent summary noted that “The school has sustained good progress and meets all the national minimum standards for residential schools.” (see Appendix 2)
- 4.5** The majority of children who access the 6th form residential provision, transition from Year 11 with a small number of children (average 12% per year) moving in from other schools. From the 24 cases examined for this review 15 had continued from Year 11 at Welburn Hall, 3 young people had transferred from another North Yorkshire maintained special school and 6 young people had transferred from secondary mainstream placements.



- 4.6** In only a small minority of the cases examined were care needs evidenced within the EHCP which required residential provision to meet these needs. In all of the cases studied students entering residential provision at post 16 had transferred from day placements pre 16, mostly from within Welburn Hall (see 5.3 above).
- 4.7** Of students placed residentially at Welburn in the last 3 years 79% are from the local Scarborough, Whitby, Ryedale area. Only 2 pupils placed residentially in the past 3 years were living outside this area and too far away to attend on a day only basis according to national travel guidance.
- 4.8** Other maintained special schools in North Yorkshire which have 6th Form provision deliver their preparing for adulthood curriculum during their core day offer. When comparing outcomes for the pupils taking up a residential 6th form offer against the day offers in the other special schools by looking at destinations, the small numbers of the cohorts means there are no identifiable trends in the data.
- 4.9** An analysis of post 16 destinations of pupils from North Yorkshire’s maintained special schools with day placements for 6th form provision over the past 3 years shows that only 1 pupil moved to a residential placement at Welburn and 1 additional pupil moved to an independent residential placement. This suggests that, in the large majority of cases, if educational or care needs requiring residential provision has not been identified pre 16 it is unlikely to become an assessed need at the point of transition to post 16 education.
- 4.10** An examination of post 19 destinations over the last 4 years for residential young people at Welburn Hall School shows that whilst the majority of individuals move into placements requiring the continuation of their EHCPs only a small minority continue needing a residential element. In the table below these are shown under the heading ‘specialist post-16 institution’. These figures are in line with the case study investigation

which saw specific care requirements for residential provision identified in 21% of the EHCPs as outlined in 5.4 above. This further supports the supposition that only a small number of pupils have a residential placement for assessed needs and that in these cases the care needs are such that it is known that the young people will move into being supported by adult services.

	FE	PLP	Supported internship	Specialist post-16 institution	Ceased EHCP
	%	%	%	%	%
July 2017	14%	71%	14%	0%	0%
July 2018	15%	8%	23%	31%	23%
July 2019	50%	33%	0%	17%	0%
July 2020	25%	0%	25%	50%	0%
Total	23%	27%	17%	23%	10%

- 4.11** An analysis of parent and young people’s views at the point of transition to the residential provision over the last 3 years indicates that in 30% of case studies parents and carers had been keen for their young people to take up the boarding offer in order to develop a greater degree of independence from themselves. However, the young people’s voices were not always so obvious; whilst it was recorded that 25% said they were looking forward to living away from home a small minority (14%) noted that they were anxious about such a move.

## 5.0 Analysis

- 5.1** Independent and out of county placements account for almost a third of all residential placements which at the point of the start of this review (November 2020) was costing £4,673,943. These costs are funded from High Needs Block for educational needs and from Children and Adult Social Care for the care elements. Further pressure continues to develop within this budget due to the volume of children with SEND increasing.

- 5.2** Children and young people in independent and out of county placements typically have very complex care needs. Almost half of the placements are 52 week full time placements (11 / 25). The individual placement costs for both the High Needs Block and partners in social care and health are significant as shown below. (Figures from start of review November 2020)

	Total per annum	Average per annum, per placement
<b>Cost</b>	£4,673,943	£186,958
<b>SEND high needs block</b>	£1,693,805	£67,752
<b>Children’s social care (contribution to 15 placements)</b>	£1,883,456	£125,564
<b>HAS (contribution to 4 placements)</b>	£428,354	£107,089
<b>CCG (contribution to 11 placements)</b>	£588,328	£53,484

- 5.3** Senior Inclusion officers undertook an analysis of the pupils who are currently in independent or out of county placements and identified a group of cases where the children and young people have been assessed as having primary needs which are aligned with Welburn’s designation.

- 5.4** These cases were reviewed to understand why the maintained residential offer at Welburn was not able to meet assessed needs resulting in these placements.

- 5.5** In each of these cases the young person's care needs were a key factor in deciding that residential provision was most appropriate placement to meet needs; they had all been accessing respite services with increasing number of days being allocated to support families.
- 5.6** The assessed needs of this cohort meant that, at a minimum, a 38 week full term boarding offer was required alongside a range of therapeutic provision personalised to each individual but with core input from occupational therapists and speech and language therapists.
- 5.7** At the point of needing a residential placement to meet assessed needs each of these pupils was also under 14 and were ultimately placed in out of county or independent settings as a result of the Welburn residential offer being a 4 night, post 16 developing independence offer which was unable to address the provision identified in the EHCPs.
- 5.8** From 2016 to July 2020 the children identified entered residential placements at the rate of 1 per annum (at an average cost of £186,958 as seen in 5.2). Conversations with officers in Disabled Children's Service have identified that the demand for services to meet complex care needs continues to grow, with these needs currently being met through short breaks respite.
- 5.9** From information gathered from a study of the cases of this cohort a profile of needs and provision required was developed. This was used to identify what a residential offer would need to look like in order to be likely to meet the assessed needs of pupils with a similar profile.
- 5.10** A 'typical' pupil profile would have characteristics including little to no verbal communication and a diagnosis of ASD, little awareness of danger with resulting potential to be a risk to themselves or others at times of anxiety or frustration, and support needed for all aspects of self care. Provision would require access to a variety of therapies, total communication environments and waking support through the night to include self care. There would need to be access to a full 38 week term time residential offer for those whose care needs identified this as a requirement. See appendix 3 for full profile.
- 6.0** **Options**
- 6.1** **Option 1**
- 6.2** **Continue providing residential for post 16 students but with placements being agreed based on the child or young person's assessed social care needs**
- 6.3** **Benefits summary**
- 6.4** North Yorkshire would retain residential post 16 provision for young people with MLD/SLD/ASD who have been assessed as needing this. As a result, young people with these needs would continue to be able to be educated and grow up in their local area. Commissioned places under the current model cost significantly less than the alternative of independent / out of authority placements.
- 6.5** In commissioning places based on children and young people's needs rather than as a 6th form offer the forecasted reduction of places is likely to result in savings for the SEND High Needs block as the numbers continue to fall.
- 6.6** **Risks summary**
- 6.7** If this option was taken the forecast is a drop in numbers over the next 3 years to approximately 6 young people needing residential provision whilst undertaking the post 16 course as shown in 4.2 above.

- 6.8 Numbers of places commissioned according to need are likely to decline with a negative financial implication for the wider school setting. This could present serious viability questions for the school even if day places were increased if there was demand.
- 6.9 Families and students who are currently day pupils at Welburn and expecting to move into residential placement post 16 may not meet the criteria. This may result in a challenge for alternative higher cost residential placement or further demand on DCS / HAS services. However there is limited evidence within EHCPs that residential provision is as a requirement of assessed and evidenced needs.
- 6.10 **Option 2**
- 6.11 **Cease residential provision, phasing out by not commissioning any further places from September 2022 – residential will have ceased by Sept 2024, numbers will naturally decline over this period as each cohort leaves.**
- 6.12 **Benefits summary**
- 6.13 This may support the school to become more financially viable – however this is not guaranteed, as there is likely to be costs involved to maintain the facilities currently used for residential provision. Further detailed financial analysis of this scenario would be required in order to identify clearly any potential financial benefits to the school.
- 6.14 **Risks summary**
- 6.15 No maintained residential provision in North Yorkshire for ASD / SLD.
- 6.16 Any young person requiring this provision would need an independent / out of county placement; this is likely to mean that they are educated away from their local area and family. These placements will be of high cost to the authority, however this is not forecast to be additional to current costs given the potential savings in ceasing residential provision entirely and under 16s already part of current independent / out of authority spend.
- 6.17 As residential numbers decline the school is likely to need to be supported financially in order to be able to continue the provision for the final cohorts. To mitigate this there would be the opportunity to look at increased numbers of day pupils.
- 6.18 If the residential offer was to cease completely the school would need to consider the best use of the current residential accommodation. This may involve significant capital works to change the use of the rooms affected.
- 6.19 **Option 3 – Recommended option**
- 6.20 **Continue with residential provision at Welburn for the school’s designated needs but with existing residential criteria applied consistently and open to Welburn’s full age range. Residential provision to be extended to be available for up to 7 nights per week during term times (38 weeks). This would result in a smaller number of residential places for the most complex and care led needs.**
- 6.21 **Benefits summary**
- 6.22 North Yorkshire would have residential provision for ASD / SLD for young people who need this from age 8 - 19. As a result, more young people with these needs would be able to be educated and grow up in their local area.

- 6.23** Modelling based on current and recent trends in demand for residential placements for young people aged 8 – 19 with ASD as a primary need shows a cohort of children and young people with complex needs who are currently being placed in out of county or independent settings due to a lack of maintained provision within North Yorkshire. The identification of this group through senior officer investigation is detailed in 5.3 above.
- 6.24** On examination of these cases, there is a distinct cohort who all share a similar profile, with ASD as their primary identified need along with significant learning difficulties and complex care needs (see above at 5.10 and in Appendix 3). The assessed educational needs fall within the designation of Welburn Hall but the children and young people are unable to be placed here at present due to the current use of residential provision for the post 16 pathway. This cohort would also require access to a full 38 week termly boarding offer and a range of therapeutic provision with occupational therapist oversight.
- 6.25** Based on the trend for this profile of needs it appears reasonable that following a period of adjustment a total of approximately 10-12 places would be commissioned. A period of 4 years would be needed to transition fully to this model as the final cohort based on the current post 16 offer completes their course whilst commissioning for the new profile is managed gradually in line with this.
- 6.26** Having a local maintained residential offer for 38 weeks per year may prevent some families from needing a 52 week placement, enabling families to remain together, with the correct support provided at the right time.
- 6.27** Possibility of emergency care provision available for children and young people subject to the necessary planning.
- 6.28** Less demand for current (pre 16) alternative of independent / out of authority placements resulting in more cost efficient commissioning of places. Current average cost of independent placements are circa £200k per annum as detailed in 5.2 above.
- 6.29** **Risks summary**
- 6.30** Families and students who are currently expecting to move into residential placement post 16 may not meet the criteria.
- 6.31** In order to accommodate the needs of this group the school leadership and governors will need to enable the staff team to continue to develop the skills required to ensure the highest quality provision for these young people. During this academic year the school have worked closely with the authority to develop bespoke care and education packages for young people and have demonstrated a drive to meet these complex needs.
- 6.32** It is anticipated that some capital investment may be required to ensure the residential facility is fit for purpose for the needs outlined earlier in this report. The assessment of this is underway with the school and will be concluded prior to the proposed period of consultation.

## **7.0 Financial Implications**

- 7.1** At this stage the financial analysis is provisional, and will be informed by a fuller study of the operation of the proposed residential alternatives which is in the process of being undertaken collaboratively with colleagues from Welburn Hall school, as part of an exercise to both validate / review the savings potential resulting from the proposals, and to understand the implications for the medium term financial outlook for the school. Key points to be noted and considered are outlined below.

- 7.2** In terms of analysing the impact to the high needs budget and local authority budget, it has been assumed that :-
- Residential provision (traditional post-16 cohort) has no new starters from September 2022 (although in practical terms there are no new starters in September 2021)
  - The cohort of young people who would previously have accessed a residential post-16 offer can in future be supported effectively through continuation of their day placements at Welburn Hall when they reach Post-16, with no requirements for alternative specialist placements or additional support packages
  - The new complex needs cohort of learners will build up at a rate of 2 or 3 new admits per annum to a forecast total size of cohort of 12 learners
  - In addition, 8 out of the 12 young people in this cohort with more complex needs would otherwise have required a placement in independent residential provision – and that this will represent a saving to that particular budget
- 7.3 Financial benefits**
- 7.4** The proposals have the potential (subject to review) to generate a sufficient income stream to improve the financial viability of residential provision at Welburn Hall – in turn enabling the school to develop a longer-term financial recovery plan.
- 7.5** With maintained provision available for younger pupils and those with more complex care needs there is potential for more efficient use of the High Needs block and social care budgets and savings based upon existing demand for placements continuing in future years.
- 7.6** The headline analysis is that the cost of service delivery for residential placement at Welburn Hall would increase from the current level of circa £400k per annum to between £1.0 and £1.2 million (\*1) . This estimated cost compares to existing spend of circa £1.8 million through a combination of the current cost of residential placements at Welburn Hall (approx. £400k) and the cost of independent residential placements for the cohort of young people who would in future be supported at Welburn Hall (approx. £1.4 million)
- This would give a potential saving of £600k to £800k per annum to the local authority / schools high needs budget. When the potential increase in transport costs (estimated to be in the region of £150k because more pupils will travel to the school on a daily basis) are taken into account, this figure reduces to between £450k and £650k.
- 7.7** (\*1) The above analysis is subject of two caveats (in addition to the assumptions set out in 8.20 above)
- it is based at a point in time in the future when the new model is fully operational and only supporting the new “complex needs cohort” (potentially financial year 2025-26)
  - it deploys a provisional view of the potential staffing structure for the new provision
- 7.8 Financial risks**
- 7.9** The potential to deliver the significant savings identified in para 8.21 above makes a compelling case for initiating change
- 7.10** It is highly likely that the school will experience some financial turbulence through any transition period to a new model (through the period 21-22 to 23-24) The LA will need to work with the school to ensure impact of changes is mitigated and managed effectively. This is the subject of review work currently being undertaken by the school in the form of an intensive collaborative cost viability study with a view to reporting back to key local authority officers at the end of October and establishing both the implications for the school financial position and funding rates (and numbers of commissioned places).

## 8.0 **Legal Implications**

8.1 Welburn Hall School's current designation is currently 8-19 age range LA maintained special school which has boarding provision. It does not state how that boarding provision is delivered. It also states type of SEN provision as SLCN; PD and MLD. The proposal described in option 3 does not include admitting children or young people whose age or needs are outside of this designation. The proposed extension of boarding offer to 7 nights per week for a total of 38 weeks per year results in a total of 266 nights. Schools which offer 295 or more nights per year must also be registered as a children's home. Since the proposed offer would fall below this number Welburn Hall will continue to be registered by Ofsted as a school with boarding provision. There is therefore no statutory requirement to change the designation of the school under the proposals that have been outlined in option 3, however consultation under Section 27 of the Children and Families Act 2014 will be required.

## 9.0 **Proposed timeline**

9.1 It is suggested to follow the timeline below.

<b>Activity</b>	<b>Date</b>
Consultation to start	13.10.21
Consultation to end	01.12.21
Decision at CYPLT following consultation	09.12.21
Decision at Management Board following consultation	14.12.21
Decision at Executive following consultation	11.01.22
Implementation	09.2022

## 10.0 **Reasons for Recommendations**

10.1 The recommendation to consult publicly on option 3 is being proposed to assist the LA in discharging its duty to keep SEND provision under review. As part of this review process it is important that the provision commissioned within the authority is reflective of current and future needs.

10.2 Having undertaken a detailed review of current and future demand and assessed the provision requirements going forward, it is felt that option 3 is the mostly likely option to:

- Maintain a viable residential option at Welburn Hall School
- Ensure a more local offer of provision is established for children with more complex needs
- Contribute to achieving the councils vision to provide a more local offer for a specific needs profile which currently are unable to be met in any of our existing special schools
- Provide a more cost effective option for 38 week residential provision than is currently available

## 11.0 **Recommendations**

11.1 It is recommended that Executive Members:

- Note the findings of the review of residential provision.
- Approve moving to public consultation on the recommended option (Option 3)

**STUART CARLTON**  
**CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE'S SERVICE**

**Report prepared by: Chris Reynolds** Head of SEND Strategic Planning and Resources

24<sup>th</sup> September 2021

## Appendix 1

Data sources for national statistics:

[Schools, pupils and their characteristics: January 2020 - GOV.UK \(www.gov.uk\)](#)

(also contains further link for 2017, 2018, 2019, 2021)

[Special educational needs in England: January 2020 - GOV.UK \(www.gov.uk\)](#)

[Local authority interactive tool \(LAIT\) - GOV.UK \(www.gov.uk\)](#)

## **Appendix 2**

For monitoring visit report letters please see:

[Ofsted Reports - Welburn Hall School \(welburn-hall.n-yorks.sch.uk\)](http://welburn-hall.n-yorks.sch.uk)

For full ofsted reports see:

[Ofsted | Welburn Hall School](#)

## Appendix 3

### Pupil profile:

Primary need: ASD

Ambulant [may expect occasional pupils to appear who are non-ambulant as with all settings]

Pre verbal or extremely limited verbal communication.

Reliant on adults interpreting communication to meet needs, may have some use of objects of reference or very early stage of PECs.

Little / no awareness of danger and maintaining personal safety – may run off, 'freeze' in unsafe space

Self-injurious behaviour

Can be a risk to others through behaviour at times of frustration, anxiety

May have co existing conditions – eg epilepsy, cerebral palsy

Sleeping difficulties

Incontinent

Working within engagement curriculum

### Provision profile:

- Total communication environment
- Intensive interaction
- Sensory diet and curriculum
- 1 to 1 support to stay safe /keep others safe during waking day
- 1 to 1 support to engage in activities
- Access to therapies
- Support for all personal care needs – feeding, toileting, washing, dressing (range from guiding to full support)
- Support for getting to sleep and may need care through the night
- May need moving and handling (may inc slings / hoists for personal care in line with profile outlined)
- Engagement model curriculum

## Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

Brompton Residential Proposals

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email [communications@northyorks.gov.uk](mailto:communications@northyorks.gov.uk).



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Inclusion - CYPS
Lead Officer and contact details	Jane Le Sage, AD Inclusion
Names and roles of other people involved in carrying out the EIA	Sarah-Jane Hill, SEND Strategic Plan Implementation Officer Alice Wild, Project Manager Chris Reynolds, Head of SEND Provision and Resources
How will you pay due regard? e.g. working group, individual officer	Working Group
When did the due regard process start?	July 2021

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

It is proposed to seek permission to consult with proposals to cease the existing residential offer at Brompton Hall school, with no further residential placements from September 2023 and a phasing out period for existing placements. It is also proposed to seek permission to consult with proposals to change the designation of the school to co-educational in order to be able to admit girls into the school.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

The LA has a statutory responsibility under the Children and Families Act 2014 to keep its special educational provision under review, to ensure sufficiency in placements to meet the needs of children and young people with special educational needs and/or disabilities (SEND), working with parents/carers, young people and providers.

Our vision is for all children and young people with SEND in North Yorkshire:

- To have the best educational opportunities so that they achieve the best outcomes.
- To be able to attend a school or provision locally, as close to their home as possible, where they can make friends and be part of their local community.
- To make progress with learning, have good social and emotional health, and to prepare them for a fulfilling adult life.

The number of children requiring the current maintained residential offer is declining, and is forecast to continue to fall, and will therefore present a viability issue within the next few years. There is currently no maintained provision for girls with SEMH needs in the Scarborough, Whitby, Ryedale locality.

**Section 3. What will change? What will be different for customers and/or staff?**

Currently the LA commissions seventy day places at Brompton Hall school of which 24 pupils currently access four-night boarding provision. Criteria for residential placement was updated in 2017, and since that time the number of new placements has fallen to an average of 2 per year.

Subject to consultation process, if the proposals are implemented the following differences will be seen from the current model:

- There will be no residential provision at Brompton Hall school (once the existing pupils' residential provision has been phased out)
- Girls, and those who identify as non-binary, with an assessed primary need of SEMH will be able to attend the school on a day / extended day placement.
- There will be an increase in the number of day and extended day places available for more children with these needs

**Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Key stakeholders have been involved in the development of the proposal and have included:

NYCC Children and families service, including Disabled Children's Service

Feedback from stakeholders involved to this point has been positive and in support of the proposed change in line with current practice models which seek to support children and young people in family placements wherever possible.

Under section 27 of the Children & Families Act 2014 public consultation with all stakeholders will be required. This is proposed to take place over at least 7 weeks and will give all stakeholders and residents of North Yorkshire the opportunity to respond in a variety of ways.

Under section 19 of the Education & Inspections Act 2006 consultation will be required for any proposed change of designation to move forward.

Details of all the consultations, subject to approval, will be published on the North Yorkshire County Council website and will follow the agreed procedure.

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

This proposal will reduce costs across the high needs block budget but may increase social care costs. It is expected that there will be an overall reduction in council costs.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age			✓	It is anticipated that this will make things worse for SEND pupils due to their age as there will no longer be a maintained school option to meet residential needs of boys aged 8-16 years old with SEMH. However, this will be mitigated by the fact that no child or young person will lose their provision as the residential provision at Brompton Hall will be phased out, in addition the requirement for residential is assessed on an individual basis with a statutory duty by the local authority to make the required provision.
Disability			✓	It is anticipated that this will make things worse for SEND pupils due to their disability as there will no longer be a maintained school option to meet residential needs of boys aged 8-16 years old with SEMH. However, this will be mitigated by the fact that no child or young person will lose their provision as the residential provision at Brompton Hall will be phased out, in addition the requirement for residential is assessed on an individual basis with a statutory duty by the local authority to make the required provision.
Sex		✓		There would be a new special school option for girls with SEMH needs living in the Scarborough, Whitby, Ryedale area which would allow them to be educated close to their families and communities. This would be

				a significant improvement for girls in the local area
Race	✓			It is anticipated there would be no identifiable impact on SEND pupils due to their race.
Gender reassignment		✓		The school would admit young people identifying as female with SEMH needs living in the Scarborough, Whitby, Ryedale area which would allow them to be educated close to their families and communities.
Sexual orientation	✓			It is anticipated there would be no identifiable impact on SEND pupils due to sexual orientation
Religion or belief	✓			It is anticipated there would be no identifiable impact on SEND pupils due to religion or beliefs.
Pregnancy or maternity	✓			It is anticipated there would be no identifiable impact on SEND pupils due to pregnancy or maternity.
Marriage or civil partnership	✓			It is anticipated there would be no identifiable impact on SEND pupils due to marriage or civil partnership.

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Live in a rural area?	✓			It is anticipated there would be no identifiable impact on SEND pupils due to living in a rural area.
...have a low income?	✓			It is anticipated there would be no identifiable impact on SEND pupils due to their family receiving a low income.

<p><b>Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</b></p> <p>This proposal may affect those who have protected characteristics of age and disability more than others, however steps will be taken to mitigate any adverse impacts. As provision for special educational needs and disabilities is made on an individual basis and the local authority has a statutory duty to deliver this, any adverse impact will be mitigated as no one will lose provision as a result of these proposals.</p>
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<p><b>Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b></p>	<p><b>Tick option chosen</b></p>
<p>1. <b>No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.</p>	
<p>2. <b>Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.</p>	<p>✓</p>

<p><b>3. Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)</p>	
<p><b>4. Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.</p>	
<p><b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)</p> <p>There may be adverse impacts as discussed above, if these proposals are taken through consultation to be implemented. However, steps will be taken to mitigate adverse impacts, and as provision is made for pupils on an individual needs basis this provides further steps to mitigate any identified adverse impact. Positive impacts on particular groups including both girls and boys have been identified and outlined above.</p>	

**Section 10. If the proposal is to be implemented how will you find out how it is really affecting people?** (How will you monitor and review the changes?)

This EIA will be kept under review during the consultation and decision making process, and post implementation if decisions are made on these proposals. Number of placements at independent or out of county residential settings for children and young people with SEMH primary needs will be monitored, as will placements of girls with SEMH needs. Feedback will be sought from parents / carers of children and young people with SEND to determine lived experience impact. This is likely to be through EHCP annual reviews and ongoing engagement with North Yorkshire Parent Carer Voice.

**Section 11. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements

**Section 12. Summary**

If approval for consultation is granted, and following consultation, steps are taken to make decisions to implement these proposals, there may be adverse impacts for those people who fall under the protected characteristics of age and disability. During the consultation and decision making process, any identified adverse impact will be fully considered and identified how this can be mitigated. Mitigations are already identified if proposals are taken though residential provision will be phased out to ensure that this impacts the least amount of pupils, and as each pupil has assess needs and provision to meet their needs, they will have individual consideration as to how any adverse impacts can be mitigated in their individual case.

This proposal is likely to make things **better** for girls with SEND as there will be a special school offer within the Scarborough, Whitby, Ryedale locality which may enable them to remain closer to their families and allow them to be educated in their local community. This is currently not an option for girls with primary assessed needs of SEMH. This proposal is likely to **reduce costs** across council budgets. By having a maintained offer for girls who have an assessed of SEMH there will be a more cost effective option than the current independent and out of county placements which need to be used. It will also create more places for both boys and girls so more young people can access the provision they need.

Key stakeholders have been involved in the development of the proposal and have included: NYCC Children and families service, including Disabled Children's Service

Under section 27 of the Children & Families Act 2014 public consultation with all stakeholders will be required. Under section 19 of the Education & Inspections Act 2006 consultation will be required for any proposed change of designation to move forward. It is proposed that both consultations take place over 7 weeks and will give all stakeholders and residents of North Yorkshire the opportunity to respond in a variety of ways.

### **Section 13. Sign off section**

This full EIA was completed by:

**Name: Sarah-Jane Hill**

**Job title: SEND Strategic Plan Implementation Officer**

**Directorate: Inclusion**

**Signature:**

**Completion date: 14.01.2022**

**Authorised by relevant Assistant Director (signature):**

**Date:**

## Appendix 2

Data sources for national statistics:

[Schools, pupils and their characteristics: January 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2020)

(also contains further link for 2017, 2018, 2019, 2021)

[Special educational needs in England: January 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2020)

[Local authority interactive tool \(LAIT\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/tools/local-authority-interactive-tool-lait)

## Appendix 3

For full ofsted reports see:

[Ofsted | Brompton Hall School](#)