

North Yorkshire County Council
Executive Report
21st June 2022

Review of SEND residential provision
Brompton Hall School

1.0 Purpose of report

- 1.1 The purpose of this report is to provide Management Board with an update from the feedback of the first consultation period in relation to proposals to cease residential provision at Brompton Hall School and extended the designation of the school to co-educational.
- 1.2 The reports sets out recommendations, and seeks approval for, undertaking further consultation consistent with the making Significant Changes to Maintained Schools guidance in relation to:
- Changing the designation of Brompton Hall School to co-educational
 - Phase out 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 years with Social, Emotional and Mental Health needs. The school's current designation is as a single sex, boy's school.
- 2.3 Between 2018 and 2021 there has 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 Approval was given to consult on proposals to:
- Change the designation to co-educational to allow girls to attend the school
 - Phase out residential provision by Sept 2024
- 2.5 These proposals were identified following a full review of residential provision and have been recommended in order to resolve the following key issues:
- Falling demand for the residential offer at Brompton Hall School which is highly likely to continue
 - Demand in the East of the county for Social Emotional and Mental Health special school provision is continually outstripping supply
 - The inequity of offer that currently exists in the East of the county where there is no specialist provision for girls with SEMH

- 2.6 The first period of consultation ran from 7th February 2022 to 25th March 2022. Consultation documents were distributed to a range of stakeholders. The consultation documents and responses to the consultation are included in the appendix 1.
- 2.7 Seven online consultation events were offered during the consultation period for parents as well as wider interested stakeholders. In addition separate ‘in person’ meetings were offered to both the residential and care staff at the school. A small number of staff and parents attended the sessions. These sessions allowed those who attended to ask any questions and share their views before completing the online survey.
- 2.8 Staff at the school were offered both ‘in person’ and online access to the information sessions and these were organised, at the suggestion of the school leadership team to take place at a time when children had vacated the school. Additional online sessions were also offered to staff, via the school leadership team, at their request however, this offer was not taken up.
- 2.9 There were 34 responses to the survey. The largest number of responses (30%) were from parents/carers of young people with SEND. Members of the general public accounted for 27%, meaning that the remainder of the responses (73%), were from stakeholders currently connected with the school.
- 2.10 In summary, 65 % of respondents agreed with the proposal for the school to admit girls in future. 59% agreed therefore that the proposal should continue as planned. In contrast, 24% agreed that residential should be phased out and 64% disagreed with this aspect of the proposal.
- 2.11 Although there was a large proportion of respondents who disagreed with the key aspect of removal of residential it remains the recommendation that the local authority continues the process of consultation to cease residential provision by September 2024. It remains the case that residential numbers are declining year on year and this is likely to pose a significant viability issue in the coming years. Maintaining residential provision is likely to also hinder the schools ability to increase the day place capacity we forecast to be required or extend the offer to of SEMH provision to girls.

3.0 Background and Context

- 3.1 Brompton Hall is a residential special school for boys aged 8 to 16 years which specialises in SEMH provision. The criteria for a residential placement in the school is based on a clearly assessed care or educational need and was refreshed in 2017. Educational need is based on the child requiring a 24-hour curriculum that cannot be delivered through alternative means.
- 3.2 Consistent application of these criteria has resulted in 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.

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

- 3.3 In order to understand the basis for the reduction analysis was undertaken of all new students placed residentially in Brompton over the last 4 years and revealed the following:
- 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. Whilst 60% had some form of social care involvement at the time of placement and 30% of cases examined were looked after children 3.4% had an assessed need requiring a residential education setting.
- 3.4 The cases analysed clearly demonstrated that only 10% of residential pupils had either a requirement for a '24 hour curriculum' specifically listed within their Education Health and Care Plan or lived at such distance that it would be difficult to travel to Brompton Hall on a day basis.
- 3.5 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.

Overall summary	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%

- 3.6 In June 2021 the school was subject to an Ofsted inspection 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 local authority has been working closely with the school to address the various concerns highlighted. Under the direction of the Regional Schools Commissioner the school has been instructed to convert to an Academy and Venn Multi Academy Trust have been identified as the preferred trust to run the school in future.
- 3.7 Moving forward it is essential to the improvement of the school under the direction of an Academy Trust or otherwise that the local authority's commissioning intentions are clear so they are able to rapidly improve standards and contribute to meeting the growing need of children with SEMH needs requiring specialist placements.
- 3.8 The local authority has a duty to ensure that assessed care needs of children are met and whilst the Brompton Hall offer provides one option for such the local authority will always preference the provision of such care in a family based setting wherever possible and appropriate.

Feedback from consultation survey

- 3.9 This section sets out an update with regards to the first period of consultation between 7th February 2022 to 25th March 2022 after approval was given to consult on proposals to:

- Change the designation to co-educational to allow girls to attend the school
- Phase out residential provision by Sept 2024

A full set of responses is available in Appendix 1. Following the consultation close consideration has been given to all suggestions and concerns.

- 3.10 **Statement 1** - The proposal to change the school designation and admit girls will have significant benefits for more young people with SEMH needs?

Response summary

In total 65% of respondents agreed with this statement. The main group to disagree (33%) with this statement were the parent/carers of current Brompton Hall pupils. Some parent/carers felt that admitting girls could have a negative impact on the boys currently in school, but did agree that more places are required.

LA Consideration

Although the local authority recognises that some parents may have concerns with regards to the introduction of girls to the school, it is clear that co-educational provision works well and brings many benefits. In this case, it would significantly increase the availability of specialist SEMH provision for girls in the East of the county.

If the proposal is to be implemented, following further consultation, local authority officers will work with the school closely to introduce girls in a planned way that balances the needs of current pupils and those awaiting access to specialist provision.

Following consideration of the feedback the local authority would look to implement the introduction of girls in September 2023 to allow time to ensure facilities are created to accommodate girls such as changing spaces and toilets and identify those who may take up places to develop an appropriate and supportive peer group. Simultaneously the LA would work with the school's leaders to ensure current pupils are supported to understand and be prepared for change.

- 3.11 **Statement 2** - The proposal to change the designation of the school to co-educational should proceed as proposed?

Response summary

59% of respondents agreed with this statement, including health, care and education. Comments in support included "We have been undervaluing the level of SEMH for girls due to them presenting different for decades. It is time to give them the same advantages as boys" and "Boys are isolated at Brompton with regards to female interaction and this is detrimental to forming healthy relationships."

Some respondents felt that mixing boys and girls in a SEMH provision would have a negative impact on the current pupils. Comments included "Significant concerns with introduction of girls and how they would be integrated into current class structure" and "putting boys and girls together with SEMH etc. will be an incredible nightmare and a hormonal time bomb, something these young people do not need." Other respondents recognised how important it is to create SEMH places for girls in the Scarborough area as there is no current provision available.

LA Consideration

As 3.10. local authority officers would look to establish a first intake from September 2023 to allow time to provide necessary support to those affected.

3.12 **Statement 3** - The proposal to phase out residential places by September 2024 should proceed as proposed?

In total 24% of respondents agreed with this proposal, with 12% neither agree nor disagree. Those in favour of the proposal were a mix of parents with children who had SEN and education professionals. Broadly, comments in support of the proposal referenced the need for more availability of places for children currently not able to access the provision.

Of those in disagreement (64%) 73% were either professionals associated with the school or parents with children attending the school. The comments received stated that Brompton Hall offered a safe and secure environment, that residential provided respite for parents and that day places can be offered alongside residential. Most concerns raised with the removal of residential provision are related to the impact on individual pupils and families of those currently accessing residential.

There was also concern raised around those pupils currently in Y7 and Y8 who would not have left the school by the proposed cease date of September 2024.

LA Consideration

Whilst the local authority understands the level of concern raised by parents for children who attend the school on a residential basis fewer young people are requiring residential placement whilst at the same time demand for day places is increasing beyond current capacity. Some children that are currently attending residential are doing so through geography rather than educational or care needs.

The local authority has a statutory duty to ensure that assessed needs of children and their families are met and if residential/respite is assessed as being required this will be provided for following exploration with families of the most suitable options.

The timing of the proposals have been planned so that the vast majority of children in residential provision will have left the school before residential provision is ceased. The small number that remain, four, would be supported with the most appropriate transition which may include:

- Remaining at Brompton Hall on an extended day basis where they do not have an assessed need for residential provision
- Working with families and social care to identify alternative care arrangements, for those with a professionally assessed need, allowing the child to remain at Brompton Hall
- Working with families and the SEND team to identify a new educational placement for those children who either would be unable to travel to BHS on a day basis or require a residential school place.

The local authority has a statutory duty to ensure that assessed needs of children are met and will work closely with families and partners to ensure this happens and that transition is well planned and conducted in a timely manner. It remains the case that the local authority is committed to meeting its duty of providing the provision that is professionally assessed as being required, regardless of the outcome of this consultation process.

Further consideration has been given to the possibility of extending the phasing out of residential provision to allow all residential children to finish their statutory education at BHs. However, it is unlikely to be a feasible solution for the following reasons:

- It is likely that the school would experience significant difficulties in retaining the required residential staff team to manage the provision if a decision to cease is approved and therefore quality and safeguarding may be compromised
- Running a significantly smaller residential setting over a prolonged period would further exacerbate the pressure residential provision places on the school budget and the financial impact of continuing residential provision through the 23/24 and 24/25 financial years would be an additional cost of £590k for that two year period.

3.13 **Statement 4** - To what extent do you agree that there are significant benefits to more young people if the number of day places are increased?

Overall 65% of respondents agree with an increase in day places for pupils with SEND. Of the 22 respondents in agreement 3 were parents of children at Brompton Hall, 5 were parents of children with SEND, 6 were education professionals, 5 were members of the general public with Health and Care professionals represented by 3 respondents. Those that disagreed with this statement were all parents of children already attending the school (24%).

Respondents in agreement recognised that the creation of additional places is needed to meet demand in the area. Those not in support shared concerns about creating the additional places within Brompton Hall due to the limited available space may and one person suggested creating an additional, separate SEMH school on another site.

LA Consideration

Across North Yorkshire, there has been significant growth in the number of Education, Health and Care Plans for children with SEMH needs, over 100% since 2016. In turn, that growth has created significant demand for more specialist places. In order to continue to meet demand in the East of the county further growth is required to allow more young people to access the specialist support they need. Presently, the only option available to girls in the East of the county is an Independent Special School which has limited capacity and is high cost.

Although this aspect was largely supported, it is recognised that some parents of current pupils had concerns about more places being created at the school. In response the local authority would work closely with the school as it grows to ensure that staff to pupil ratios remained consistent with that of a high quality specialist setting. It is known that many specialist settings, both regionally and nationally, cater for more pupils than currently attend Brompton Hall. In addition we will make sure all families are kept informed of the progress on these proposals and work with them to ensure that, in the event changes happen, that they are prepared and supported fully.

It is suggested that there are also benefits to increasing the number of day places that would ensure the school is on a secure financial footing into the future and are able to utilise the greater level of financial resource to better meet needs.

4.0 Financial Implications

4.1 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

- 4.2 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. However, high level assessments are being undertaken to ascertain any potential works that may be needed.
- 4.3 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. The costs necessarily require some speculation because we are assessing the needs of pupils not yet known to the local authority (i.e. future cases where pupils attend on a day basis rather than are allocated residential placements)
- 4.4 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.
- 4.5 Brompton Hall School ended the financial year 21/22 with a positive balance of £350k, but the position had deteriorated to a deficit balance of £102k by the end of the 22/23 financial year. The school has recently reviewed and submitted a revised five year financial plan predicated upon the changes to residential provision taking effect and residential provision discontinuing from summer 2023, and that proposed change being is accompanied by expansion of day placements to approximately 85 over a three year period. The resultant budget projections are that the school will have a cumulative negative balance of £218k by the end of the 2026/27 financial year. However, efficiency review work undertaken in Autumn 2021 identified a number of significant further opportunities – which have not been incorporated into the budget at this juncture, with the school potentially converting to academy status in the near future. This has led the local authority to conclude that the school can both have a sustainable budget position and not be adversely impacted by the changes proposed to residential provision.
- 4.6 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.

5.0 Legal Implications

- 5.1 The local authority has a statutory responsibility under Section 27 of the Children and Families Act 2014 to formally consult on proposed changes to provision for SEND.
- 5.2 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 which includes admitting girls, currently outside of this

designation, and removing boarding provision. There would be a statutory requirement to change the designation of the school under the proposals that have been outlined.

- 5.3 Legal advice has been sought and it is recommended that, having now completed the first period of consultation described as 'step 1 below, the following steps are required in order to fulfil all the required statutory duties and undertake a thorough consultation process:

Step 1: Statutory public consultation to satisfy section 27 of the Children and Families Act 2014 (completed between 7th Feb and 25th March 2022)

Step 2: Public consultation on proposals for school reorganisation and change of designation (proposed start 22nd June and end date 8th September allowing additional time over the summer break)

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

- 5.4 If this process was followed the final decision would be likely to be requested 8th November 2022.

6.0 Proposed Timeline

- 6.1 It is suggested that the timeline below is followed:

Activity	Date
Exec members	21/06/22
Consultation to start	22/06/22
Consultation to end	08/09/22
Decision to post Statutory Notices by Executive following consultation	20/09/22
Final decision by Executive	08/11/22

7.0 Reasons for Recommendations

- 7.1 The recommendation has considered all aspects of the feedback from the initial consultation. Section 3 sets out the response to the feedback and some of the complex interdependencies the various aspects these proposals have on each other. Creating additional day, and extended day places, for boys and girls currently unable to access the school is contingent upon the school remaining financially viable and having the physical space to accommodate more teaching and learning space on site.
- 7.2 In addition to that, North Yorkshire County Council continues to work to the vision that children are best supported through local education provision that meets needs and enables children to reside in a family environment wherever possible.
- 7.3 There is continued decline in demand for residential provision at Brompton which poses a viability issue for the school in the medium term. Whilst NYCC understand the concerns raised by parents with children already in attendance, it is felt that by working with those families early with a planned cease date agreed, it will mitigate the risk of the provision becoming unviable, allow the majority of children to move through to a natural transition unaffected and for LA services to proactively support the transition arrangements for each child.

7.4 The declining residential demand for the school, coupled with growing demand for days places and the requirement for SEMH provision for girls will enable the school to provide an increased number of places for children with SEMH needs.

8.0 Recommendations

8.1 It is recommended that the Executive notes the report, and gives approval to move forward with further consultation as set out in the table at paragraph 6.1 of the report.

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

Date: June 2022