

# North Yorkshire County Council

## Executive

20 September 2022

### Review of SEND Residential Provision Brompton Hall School

Report by the Corporate Director - Children and Young People's Service

#### **1 PURPOSE OF REPORT**

- 1.1 This report details the outcomes of the public consultation carried out on proposals to cease residential provision at Brompton Hall School, extend the designation of the school to co-educational, and increase the number of day places. It asks the Executive to consider the responses to the consultation, to authorise the publication of statutory proposals and to schedule taking a final decision on the proposals on 8 November 2022.

#### **2 EXECUTIVE SUMMARY**

- 2.1 On 21 June 2022 the Executive gave approval for further consultation on proposals to cease residential provision at Brompton Hall School, extend the designation of the school to co-educational, and increase the number of day places.
- 2.2 The further consultation commenced on 22 June 2022 and closed on 8 September 2022. This report details the responses to the consultation and asks the Executive to consider authorising the publication of proposals and statutory notices, and to schedule taking a final decision on the proposals on 8 November 2022.
- 2.3 The report is supported by a number of Appendices as listed below:
- Appendix 1: Published consultation documents
  - Appendix 2: List of consultees
  - Appendix 3: Responses to the consultation document
  - Appendix 4: Equality Impact Assessments
  - Appendix 5: Draft Statutory Notice
  - Appendix 6: Draft Statutory Proposals
  - Appendix 7: Climate Change Impact Assessment
  - Appendix 8A: Public meeting slides
  - Appendix 8B: Public meeting notes 5.7.22
  - Appendix 8C: Public meeting notes 14.7.22

### **3 CONSULTATION UNDERTAKEN**

- 3.1 Consultation documents (Appendix 1) were distributed to the list of consultees (Appendix 2). The documents were also published on the Brompton Hall and NYCC websites. The consultation period ran from 22 June 2022 to 8 September.
- 3.2 Two public consultation meetings were held online via Teams on 5 and 14 July 2022, and notes of these meetings and presentation are attached (Appendix 8A, 8B and 8C).
- 3.3 By the closing date 8 consultation responses had been received for the proposals, these are shown in full in Appendix 3.
- 3.4 Of the eight responses to the consultation, one response was made in support of the proposal, six raised concerns about the proposals and there was one general response. The positive comment agreed that social, emotional and mental health (SEMH) provision is needed for girls and also that residential is no longer viable and the space can be used to increase day/extended day places. The general comment asked a series of questions about how the school, and possible new Trust, would manage the proposed changes.
- 3.5 The issues raised from the responses covered the following areas:
1. The impact on the boys that will still be in residential provision in September 2024
  2. Residential provision is still required
  3. The impact on current pupils when adding girls

### **4 RESPONSES TO THE CONSULTATION AND OTHER KEY ISSUES**

- 4.1 ISSUE 1 - The impact on the boys that will still be in residential provision in September 2024

#### **LA Consideration**

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 has ceased. The small number that would remain, two, would be supported with the most appropriate transition that will meet their assessed needs 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 on a day or extended day placement
- Working with families and the SEND team to identify a new educational placement for those children who either would be unable to travel to Brompton Hall 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.

#### 4.2 ISSUE 2 - Residential provision is still required at Brompton Hall School

##### **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 geographical reasons rather than educational or care needs.

Over the past 3 years Brompton Hall has seen a reduction of 24% in the number of residential places required and this is predicted to decrease by a further 62% by 2023.

Data shows that nationally there is a decrease in demand for SEND residential places. Between 2016 and 2020 there was a 20% reduction in the number of residential special schools and a 29% drop in the number of residential places.

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 through the exploration of foster carers and children's homes as appropriate.

#### 4.3 ISSUE 3 - The impact on current pupils when adding girls

##### **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, both regionally and nationally. 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 publication of the statutory proposals, 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.

## **5 PROPOSALS**

5.1 The proposal is to cease residential provision at Brompton Hall School, extend the designation of the school to co-educational, and increase the number of day places. The full statutory proposals are set out in Appendix 6.

5.2 The proposed timetable would be:

29 September 2022  
27 October 2022

Publication of Statutory Proposals  
Closing date for representations (4 weeks as prescribed in regulations and cannot be shortened or lengthened)  
Final decision by Executive

8 November 2022

1 September 2023	Proposed change to co-educational provision, increase in day places, and no new residential placements made
1 September 2024	Proposed ceasing of residential provision

## **6 FINANCIAL IMPLICATIONS**

- 6.1 The implications for revenue and capital funding were set out in the report to Executive on 21 June 2022.

## **7 LEGAL IMPLICATIONS**

- 7.1 The consideration and determination of school organisation proposals by the Local Authority is set out in Education & Inspections Act 2006, regulations and in guidance produced by the Department for Education<sup>1</sup>. Careful regard has been given to the proposal. The proposals are in accordance with the statutory requirements.

The local authority has already fulfilled its statutory responsibility under Section 27 of the Children and Families Act 2014 to formally consult on proposed changes to provision for SEND.

## **8 HUMAN RIGHTS IMPLICATIONS**

- 8.1 The Local Authority recognises that if implemented, these proposals will have an adverse impact on a small number of pupils. However, the Local Authority is working with these pupils and their families to ensure that any impact is minimised and to ensure that they continue to have provision delivered in a suitable way to meet their assessed needs

## **9 OTHER IMPLICATIONS**

- 9.1 An Equality Impact Assessment and Climate Change Impact Assessment have been undertaken in respect of these proposals and are attached (Appendix 4 and 7).
- 9.2 There may be adverse impacts for those people who fall under the protected characteristics of age, gender and disability.
- 9.3 During the second 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 assessed 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.

---

<sup>1</sup> School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013; Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers (October 2018).

- 9.4 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.
- 9.5 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 day and extended day places for both boys and girls so more young people can access the provision they need.
- 9.6 Key stakeholders have been involved in the development of the proposal and have included:
- NYCC Children and families service, including Disabled Children's Service

## **10 NEXT STEPS**

- 10.1 It is proposed to publish proposals and the statutory notice on 29 September 2022 (Appendix 5 and 6). The proposals would be published on the County Council's website and the statutory notice would be published in a local newspaper and displayed at the main entrance of the school. This would provide four weeks for representations to be made to the Local Authority, by 27 October 2022.
- 10.2 The Executive agreed a model for decision-making on school organisation proposals on 25 September 2007. If approval is given to publish statutory proposals and notices, it is proposed that a final decision on these proposals is taken by the Executive on 8 November 2022.

## **11 RECOMMENDATIONS**

- 11.1 That statutory proposals and a statutory notice be published on 29 September 2022 proposing to cease residential provision at Brompton Hall School, extend the designation of the school to co-educational, and increase the number of day places.
- 11.2 That the Executive schedule taking a final decision on these proposals on 8 November 2022.

Stuart Carlton, Corporate Director - Children and Young People's Service

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

Date: 8 September 2022

### List of Appendices

- Appendix 1: Published consultation documents  
Appendix 2: List of consultees

- Appendix 3: Responses to the consultation document
- Appendix 4: Equality Impact Assessments
- Appendix 5: Draft Statutory Notice
- Appendix 6: Draft Statutory Proposals
- Appendix 7: Climate Change Impact Assessment
- Appendix 8A: Public meeting slides
- Appendix 8B: Public meeting notes 5.7.22
- Appendix 8C: Public meeting notes 14.7.22