

NORTH YORKSHIRE COUNTY COUNCIL

THE EXECUTIVE

8 November 2022

REVIEW OF SPECIAL EDUCATIONAL NEEDS AND DISABILITIES PROVISION: PROPOSALS TO CHANGE PROVISION AT BROMPTON HALL SCHOOL

Report by the Corporate Director – Children and Young People’s Service

1 PURPOSE OF REPORT

- 1.1 To provide the Executive with information upon which to make a decision on proposals published by North Yorkshire County Council to cease residential provision at Brompton Hall School, extend the designation of the school to co-educational, and increase the number of day places at the school.

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. The consultation commenced on 22 June 2022 and closed on 8 September 2022.
- 2.2 The Executive met on 20 September 2022 and considered the outcome of the consultation. They agreed to publish statutory proposals on 29 September giving 4 weeks until 27 October for representations to be made.

3 BACKGROUND

- 3.1 The Education and Inspections Act 2006 sets out the procedures for making changes to a maintained school. These are detailed in School Organisation regulations and guidance.¹ The regulations and guidance apply to Local Authorities and governing bodies proposing to make changes to schools, and to Local Authorities (including the County Council’s Executive and Executive Members) acting as decision-makers.

4 PROPOSALS

- 4.1 North Yorkshire County Council proposes to:
- 1) Remove residential (boarding) provision at Brompton Hall School from 1 September 2024, with no new residential placements made from September 2023.
 - 2) Change from single-sex (boys) to co-educational provision at Brompton Hall School from 1 September 2023.
 - 3) Phased increase in the number of day places at Brompton Hall School from 67 to up to 85 from 1 September 2023.

These three proposals are linked and will only be implemented subject to all the proposals being approved.

¹ The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and Department for Education statutory guidance Making significant changes (‘prescribed alterations’) to maintained schools Statutory guidance for proposers and decision-makers, October 2018.

5 RESPONSES TO STATUTORY PROPOSALS

- 5.1 The Statutory Proposals were published on 29 September 2022 with a representation period of 4 weeks (Appendix 1). The public notice, placed on the school gates, in the local newspaper and on the County Council's website, invited written objections or comments to be submitted by 27 October 2022.
- 5.2 No responses to the statutory proposals have been received.

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

REGULATIONS AND GUIDANCE

- 7.1 The consideration and determination of school organisation proposals by the Local Authority is set out in regulations and in guidance (Appendix 2) produced by the Department for Education. Careful regard has been had to these provisions.

PRELIMINARY CHECKS

- 7.2 The guidance requires that the Decision Maker must consider, on receipt of each proposal, whether any information is missing; whether the published notice of the proposal complies with statutory requirements; whether the statutory consultation has been carried out prior to the publication of the notice; and whether the proposal is related to other published proposals.
- 7.3 Having undertaken an audit of these preliminary checks, the Assistant Chief Executive (Legal and Democratic Services) advises that:
- all information required has been supplied;
 - the published notice complies with statutory requirements;
 - statutory consultation has been carried out prior to publication of the notice;
 - and that the preliminary points for consideration have been dealt with sufficiently to permit the Executive to proceed to determine this proposal.

TYPES OF DECISION THAT CAN BE MADE

- 7.4 In considering proposals for making changes to school provision, the Executive, as Decision Maker can decide to:
- reject the proposals;
 - approve the proposals;
 - approve the proposals with a modification;
 - approve the proposals subject to them meeting a specific condition (these conditions are set out in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations, and are not considered applicable to this proposal).

8 EQUALITIES IMPLICATIONS

- 8.1 A full Equalities Impact Assessment is attached as Appendix 3 and contains the following summary:
- 8.2 Following the second consultation period, steps will be taken to make decisions to implement these proposals, there may be adverse impacts for those people who fall under the protected characteristics of age, gender and disability.
- 8.3 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.
- 8.4 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.
- 8.5 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 places for both boys and girls so more young people can access the provision they need.
- 8.6 Key stakeholders have been involved in the development of the proposal and have included NYCC Children and families service, including Disabled Children's Service. Under section 27 of the Children & Families Act 2014 public consultation with all stakeholders was required and has taken place.

9 CLIMATE CHANGE IMPLICATIONS

- 9.1 A Climate Change Impact Assessment accompanied the report to Executive on 21 June 2022.

10 PROCEDURE FOR THE MEETING

- 10.1 The Executive agreed on 25 September 2007 that in making a decision on school organisation proposals:
- (a) The Executive must have regard to decision makers' guidance published by the DfE and to the Executive Procedure Rules laid down in the North Yorkshire County Council Constitution.
 - (b) All decisions must give reasons for the decision, indicating the main factors/criteria for the decision.

11 REASONS FOR THE RECOMMENDATION

- 11.1 Ceasing the residential offer at Brompton Hall School will improve SEND services as:
- More young people with SEMH needs grow up in a family environment.
 - More young people with SEMH needs will be able to access day and extended day places at a school close to their families and communities.
 - The viability of the school will be improved.

- Girls will have a local special school offer which does not currently exist.
- 11.2 Changing the designation of Brompton Hall School from single sex, boys, to co- educational will improve SEND services for people as there will be a maintained local offer for day and extended day placements for girls and those who identify as non-binary with SEMH needs in the Scarborough, Whitby, Ryedale area.
- 11.3 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 Interim Executive Board 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.
- 11.4 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.
- 11.5 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.

12 RECOMMENDATIONS

- 12.1 That having undertaken the required preliminary checks, the Executive resolve that:
- i. The four key issues listed above in paragraph 7.3 have been satisfied and therefore there can be a determination of the proposals.
 - ii. The following proposals be determined:
 - To remove residential (boarding) provision at Brompton Hall School from 1 September 2024, with no new residential placements made from September 2023.
 - To change from single-sex (boys) to co-educational provision at Brompton Hall School from 1 September 2023.
 - To introduce a phased increase in the number of day places at Brompton Hall School from 67 to up to 85 from 1 September 2023

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List of Appendices

Appendix 1: Statutory Notice and Statutory Proposal
Appendix 2: School Organisation Guidance for Decision Makers
Appendix 3: Equalities Impact Assessment

Background documents

Reports to Executive, 21 June, 20 September 2022
Report to Executive Members 25 January 2022