

NORTH YORKSHIRE COUNTY COUNCIL

THE EXECUTIVE

14 February 2023

Review of the SEND Residential Provision Welburn 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 pause residential provision at Welburn Hall School for a period of two years. 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 18 April 2023.

2 EXECUTIVE SUMMARY

- 2.1 On 13 December 2022 the Executive gave approval for consultation on proposals to pause residential provision at Welburn Hall School for a period of two academic years from September 2023.
- 2.2 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 18 April 2023.

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 Welburn Hall and NYCC websites. The consultation period ran from 3 January 2023 to 31 January.
- 3.2 Two public consultation meetings were held online via Teams on 10 and 18 January 2023, and notes of these meetings and presentation are attached (Appendix 8).
- 3.3 By the closing date of 31 January 2023 18 consultation responses had been received for the proposals, these are shown in full in Appendix 3, which includes a response from the Welburn Hall School Governing Body.
- 3.4 Of the eighteen responses to the consultation, three responses were made in support of the proposal, two disagreed with the proposal and the remainder offered a range of comments and potential concerns about how the proposals were implemented.
- 3.5 The issues raised from the responses cover a range of issues. Principally, these relate to (a) managing the transitional arrangements necessary whilst residential provision is paused, and (b) views about the longer-term future of residential provision, rather than direct views about the proposal to pause the residential offer. Specifically the following issues featured prominently:
- i. A concern that the temporary accommodation arrangements will not be able to fully replicate the full range of activity that takes place within the House building (above and beyond the classroom spaces). Alongside this one response did express concern that the temporary classroom facilities would be inferior to the classroom accommodation available in the House

- ii. A strong regard for the unique environment that Welburn Hall can provide through its residential provision, to meet the needs of a cohort of young people. In addition, there were requests that the local authority should ensure that residential provision resumes at the earliest possible date. (However, in the December Executive report, we acknowledged that more detailed work needed to be undertaken to investigate the longer-term investment options, and that work is ongoing. The comments regarding the need for residential provision to be an integral part of the Welburn Hall provision will be factored into that evaluation and are not discussed further in this report).
- iii. One response was specifically challenging that the authority had not discussed the challenging situation facing the residential care staff at the school – and another made suggestions about avenues that could be explored to mitigate the risk for that staff group.

3.6 The Governing body of the school have submitted their response to the consultation. Their response is understanding of the challenges presented by the condition of the House building, and they have emphasised that their preferred route forward would be for the programme of works at the House to be undertaken and for the school to be able to resume its residential operation at the earliest possible opportunity.

4 RESPONSES TO THE CONSULTATION AND OTHER KEY ISSUES

4.1 ISSUE 1 – Limitations of temporary accommodation arrangements

A number of the responses have drawn attention to the extensive range of school activity taking place currently within the House building, which enriches both the breadth of the curriculum offer and experiences of pupils. A number of responses expressed that these activities are beyond the provision of replacement classrooms and dining facilities. In addition, there was some concern about the adequacy of the replacement classroom facilities.

LA Consideration :- Our plans are to secure two temporary classroom units for the school which will provide four temporary classroom spaces. This is currently the subject of a planning application under consideration by Ryedale Council. Our view is that these units offer excellent learning environments for pupils and that the standard of temporary units available on the market place is of a much higher standard than in previous periods. We also plan to undertake work around the new units to ensure that there are appropriate safeguarding arrangements for pupils and that the reception arrangements for the school can operate on a streamlined basis.

We do recognise the breadth of activity that has taken place in the House building, aside from the residential provision. Whilst it will be difficult to replicate those spaces precisely for the next two academic years, we will work closely with the school leadership to explore what options are available; particularly when we know more about the detailed programme of works for the school.

4.2. ISSUE 2 – Residential provision at Welburn Hall is highly prized and should be reinstated at the earliest opportunity

A number of responses have emphasised the high quality of residential provision provided at Welburn Hall, aligned to the unique learning environment the school can provide through the House building and its extensive grounds. Whilst being understanding of the need for the remedial planned maintenance programme to be undertaken and the consequent need to pause residential provision, there was a theme of pressing the local authority to reinstate that provision at the earliest opportunity.

LA Consideration:- As discussed in paragraph 3.5. above, it was recognised that further work needed to be undertaken as to the optimal longer-term strategic options. This work is progressing and these comments will be factored into that consideration.

- 4.3 ISSUE 3 – Consideration needs to be shown for the Residential Care staff group
Two responses have referred to the vulnerable position of the residential Care Staff group.

LA Consideration :- Whilst the local authority is very mindful of the implications for the residential care staff, the specific purpose of this consultation is to ascertain feedback regarding the proposal to pause residential provision. We have supported the Governing Body in developing proposals and they will launch an HR consultation process in February.

5 PROPOSALS

- 5.1 The proposal is to pause residential provision at Welburn Hall School for a period of two academic years from September 2023. The full statutory proposals are set out in Appendix 6.
- 5.2 The proposed timetable would be:

22 February 2023	Publication of Statutory Proposals
22 March 2023	Closing date for representations (4 weeks as prescribed in regulations and cannot be shortened or lengthened).
18 April 2023	Final decision by Executive
1 September 2023	Proposed temporary removal of residential provision

6 FINANCIAL IMPLICATIONS

- 6.1 The implications for revenue and capital funding were detailed in the report to Executive on 13 December 2022.
- 6.2. In terms of capital expenditure, the provision of temporary units and associated works to ensure that the school is secure, has a fully functioning reception area, etc have been estimated at £300k, and will be financed from the Schools Condition Grant. The longer-term capital financing implications will be dependent upon the evaluation of longer-term strategic options for the school and residential provision which are currently ongoing.
- 6.3. In terms of the revenue position, the analysis identified that there was an actual cost reduction to the high needs budget – which increased through time because we were anticipating that the cohort of pupils needing residential placements on account of very complex needs would increase through time. We had estimated this saving would grow to £1.02 million by 2027/28 financial year. However, this saving would be more than offset by the cost of identifying alternative placements for the same cohort of young people – whilst this analysis is notional (because these young people are not currently identified as requiring placements), we have estimated this cost would be in the region of £1.8 million per annum. This highlights why having access to some form of in-house residential provision is a major consideration in our evaluation of longer-term strategic options.

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 Education¹. Careful regard has been given to the proposal. The proposals are in accordance with the statutory requirements.
- 7.2 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.

¹ 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).

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 EQUALITIES IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment has been undertaken in respect of these proposals and the updated version is attached as Appendix 4.
- 9.2 There may be adverse impacts for those people who fall under the protected characteristics of age, gender and disability.
- 9.3 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 CLIMATE CHANGE IMPACT ASSESSMENT

- 10.1 A Climate Change Impact Assessment was undertaken in November 2021 to support the original report to Executive in December 2022. This assessment is attached as Appendix 7 to this report. Our assessment is that no new information has come to light that would necessitate a review of the document at this stage – although it will be reviewed in the near future when we receive details of the feasibility study for the potential programme of works at the school.

11 NEXT STEPS

- 11.1 It is proposed to publish proposals and the statutory notice on 22 February 2023 (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 22 March 2023.
- 11.2 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 18 April 2023

12 RECOMMENDATIONS

- 12.1 The Executive is recommended to:
- i. Approve the publication of the statutory proposals and a statutory notice on 22 February 2023, proposing to pause residential provision at Welburn Hall School for a period of two academic years from September 2023.
 - ii. Schedule a final decision on these proposals on 18 April 2023.

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

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3 February 2023

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 8: Public meeting notes