

# Report

## Cabinet Member for Education & Skills

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### Part 1

Date: 29 June 2017

Item No: 01

**Subject** **School Reorganisation Proposal – Removal of Learning Resource Base (LRB) provision at Llanwern High School**

**Purpose** To move to formal consultation on a school reorganisation proposal “to permanently remove the Learning Resource Base provision currently at Llanwern High School with effect from January 2018”

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**Ward** All Wards

**Summary** This report:

- Outlines a previous decision by Cabinet to cease the funding attributable through the Individual Schools Budget (ISB) for the Learning Resource Base provision at Llanwern High School;
- Sets out the requirement to undertake a statutory School Reorganisation Proposal to support this decision, and describes the process with approximate timelines, and
- Recommends therefore that the Council now moves to the formal consultation stage of the statutory consultation process.

**Proposal** **To move to a period of formal consultation on a school reorganisation proposal to permanently remove the current Learning Resource Base (LRB) provision from Llanwern High School with effect from January 2018**

**Action by** Chief Education Officer

**Timetable** Immediate

This report was prepared after consultation with:

- Strategic Director - People
- Chief Education Officer
- Deputy Chief Education Officer
- Senior HR Business Partner
- Senior Finance Business Partner
- Schools Resources Manager
- Headteacher, Llanwern High School
- Chair of Governors, Llanwern High School

**Signed**

## **Background**

As part of the budget determinations for the 2017/2018 financial year, Newport City Council's Cabinet took a decision to withdraw the funding associated with the Learning Resource Base (LRB) provision at Llanwern High School. This supported the strategy that individual pupil needs could be better met at more inclusive Additional Learning Needs (ALN) settings within mainstream host schools, and would also reduce the significant operational running costs of the current provision.

The LRB is an eight place provision, although as at April 2017, there were only seven pupils registered as being on roll. Two of these seven pupils are due to return to their respective mainstream schools during the summer term of 2017, reducing the remaining pupil number to just five. Four of these pupils live within the designated catchment area for Llanwern High School, with the fifth residing in the Lliswerry High School catchment area. It is planned that these five pupils will all return to mainstream education in September 2017, with additional support being provided where appropriate to meet their specific needs.

The remit of the LRB is to provide a nurturing environment to support pupils who have social and emotional difficulties to develop resilience skills which enable them to make a successful return to full time mainstream education by the end of Year Eight, or sooner if possible. The pupils have access to a range of support for them to successfully access the mainstream curriculum.

Due to the plans outlined above to move the existing pupil cohort into mainstream education by September 2017, the LRB will be empty from the start of the 2017/18 academic year. This report therefore recommends moving to permanently close the provision from January 2018, therefore bringing the classroom space currently utilised for the LRB back into mainstream use. Potentially, this could result in additional capacity and an increased Published Admission Number (PAN) for the school to assist in meeting demand for secondary school places across the City.

In order to take this forward, there is now a requirement to move to the formal consultation stage of the statutory school reorganisation process. The following sections describe the Human Resources issues, and the impact and mitigating factors relating to the proposal. The school organisation section references the current and potential premises arrangements.

## **Human Resources Issues**

Llanwern High School currently employs four members of staff to support the pupils within the LRB – a teacher who has a Teaching and Learning Responsibility (TLR) point and an associated Special Education Needs allowance and three Level 3 Teaching Assistants. If the LRB was to close, these posts would be declared at risk of redundancy. The Governing Body could however choose to utilise these individuals elsewhere across the school to meet curriculum needs.

## **Impact and Mitigating Factors**

This proposal could result in an increased pressure on the Special Educational Needs budget if alternative placements needed to be sourced from elsewhere. It is also clear that pupils and their parents could be anxious about any proposed movement, and these transition arrangements would need to be handled very sensitively. This could result in a need for additional staff resources in terms of the Education Psychology and Additional Learning Needs teams in supporting the pupils concerned.

It is not perceived that there will be any increased pressure on the Pupil Referral Unit however as it is intended that the current pupil cohort will return to mainstream provision within other secondary schools across the City. Notwithstanding this however, any pupils who might otherwise have been considered for future placements at the setting will require provision elsewhere if the LRB is closed. To support this, the Local Authority is currently undertaking a review of specialist provision across the secondary sector, and this will include ensuring that a sufficient number of placements are available to meet the needs of all relevant pupils. This review will be concluded shortly, for implementation in September 2017.

## School Organisation

Llanwern High School opened in April 2012 on the site of the former Hartridge High School with capacity for 1300 pupils of statutory school age, plus post-16 facilities. There has always been a LRB facility at the school, although the capacity of the provision was significantly reduced from 21 places to 8 places in September 2015. The LRB currently operates from four classrooms within the main school building. Ceasing the provision would enable these rooms to be brought back into mainstream use.

## School Reorganisation Process & Timelines

All school reorganisation proposals are taken forward through a statutory consultation process in accordance with the Welsh Government School Organisation Code. This entails the following steps and approximate timescales:

- Cabinet Member decision to move to Formal Consultation – June 2017
- Formal Consultation period (42 days) – July – September 2017
- Cabinet Member decision to move to Statutory Notice – October 2017
- Statutory Notice publication (28 days) – October 2017
- Final decision - December 2017
- Implementation of the proposal - January 2018

## Governance Issues

This proposal will not impact on the current school governance arrangements. The make-up of the governing body will be unchanged.

## Financial Summary

As part of the 2017/2018 budget setting process, it has been agreed that funding will cease for the LRB provision at Llanwern High School with effect from September 2017. The proposal results in part year savings in 2017/2018 of £79,000, and £56,000 in 2018/2019.

The proposal seeks to formally close the provision from January 2018. Savings will be achieved in advance of formal closure as funding will no longer be attached to the unit directly.

These total savings may be offset by potential additional costs incurred from increased pressure on the Council's Special Educational Needs budget if any of the pupils currently in the unit require specialist provision or additional curriculum. These figures, if they arise, cannot be quantified at the present time as they will be needs led, and will need to be managed within other specific ALN budgets.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
That the Cabinet decision to withdraw funding as part of the agreed budget for 2017/18 cannot be implemented	L	L	The Council will undertake a school reorganisation proposal in accordance with the statutory School Organisation Code	Chief Education Officer

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015  
Council Improvement Plan  
Education Service Plan

## **Options Available**

Option 1: To proceed to formal consultation on a proposal to permanently remove the registered LRB provision from Llanwern High School with effect from January 2018.

Option 2: To proceed to formal consultation on a proposal to permanently remove the registered LRB provision from Llanwern High School with effect from September 2018.

Option 3: To informally close the LRB provision simply by not admitting pupils to the facility and therefore not provide any funding to support it.

Option 4: To maintain the status quo by continuing to fund and support the existing LRB provision at Llanwern High School.

## **Preferred Option and Why**

The preferred option is Option 1. This supports the decision already taken by the Cabinet and supports a permanent and formal arrangement.

## **Comments of Chief Financial Officer**

The direct financing of the unit has been agreed as part of the councils 2017/2018 budget proposals and medium term financial plan, and will cease from September 2017. As the report states additional costs may arise as a direct result of placing current pupils within the unit if they require specialist provision outside of current Newport available provision, however these costs will need to be managed within other available Additional Learning Needs budgets.

Redundancy costs may also arise from ceasing funding of the provision if the School chooses not to redeploy the staff within the school. These costs, if they arise will be met through the Councils School's redundancy reserve.

## **Comments of Monitoring Officer**

The Code on School Reorganisation which was made under Sections 38 and 39 of the School Standards and Organisation (Wales) Act 2013 sets out the requirements and gives statutory guidance in relation to school reorganisation proposals. Proposals have to be published but first there has to be consultation which must include sufficient reasons and information regarding the particular proposal to enable an informed consideration and response to be made. The consultation response must be taken into account prior to the ultimate decision being taken. The Code sets out the nature of the information which needs to be included. The proposal to consult is within the Council's statutory powers relating to school reorganisation. It is noted that it is possible that redundancies may occur as a result of the proposals should they be implemented. Redundancy processes must be followed to ensure that any dismissals are fair. The Head of People and Business Change has commented upon this aspect.

## **Comments of Head of People and Business Change**

As required this proposal has considered all five aspects of the sustainable development principle of the Well-being of Future Generations (Wales) Act. In addition a Fairness and Equality Impact Assessment (FEIA) has been completed. This FEIA should be reviewed and updated in light of the formal consultation and at each stage of the decision making process.

From a HR perspective there are potential direct staffing implications as a result of this report. This is in line with the Council's MTRP proposals which have been made in a number of areas to deliver on the savings target for 2017/18. For all proposals with direct staffing implications appropriate consultation will need to be held with staff and trade unions and in line with the appropriate policies. If there are to be any compulsory redundancies in respect of teaching staff, under the Conditions of Service for School Teachers in England and Wales, we would be required to issue notice by the end of May for this to be effective in September. This would not leave enough time for consultation and therefore it is unlikely that the proposals (if consultation is required) would be in place until December 2017. For the proposals to be in place for December 2017 there would be a requirement to issue notice by the end of October 2017.

## **Local issues**

None.

## **Comments from Non-Executive Members**

### Councillor P Hourahine:

With the removal of the central Learning Resource Base, the Director of Education should be mindful of ensuring that adequate provision is provided by individual schools. And that such provision is monitored.

### Response from Cabinet Member for Education & Skills:

The removal of the LRB from Llanwern is part of a larger review of ALN provision across the city. The vision is for as many pupils as possible to be supported to access mainstream rather than be in small pockets of provision accessing a limited timetable and opportunities. All secondary schools have Learning Support Centres in place and ALN funds have been delegated to schools in order to enable senior leaders to determine their own provision in relation to need with continued support from the LA Inclusion Team. Following the collaborative working of all stakeholders a new structure will be introduced at the Pupil Referral Unit from September which will see longer term placements for those pupils who need the extra support along with increased outreach support from PRU staff to mainstream schools. Provision is currently monitored by the Inclusion Team via Link Inclusion Meetings and Managed Move Panel (ALN, Behaviour Support, Educational Psychology, SEN and PRU) and this will continue as will the extensive training of school staff in practices relating to inclusive education.

### Councillor J Watkins on behalf of the Conservative Group:

These Learning Resource Bases aim to provide Education and support for pupils with behavioural and other difficulties who are unable to be educated in a mainstream facility for a period of time often unspecified. Therefore an alternative provision is required. That being the case returning these children to mainstream will prove disruptive for all pupils resulting in serious impact on Teaching and Learning resulting in reduction of aspiration and achievement across the board. There is also much evidence to show Teachers to will be affected by conditions which impair their ability to teach effectively and inevitably stress and sickness levels will rise indeed retention of staff is likely to become a serious issue. This could have financial implications for the Authority. The NCC Pru does not appear to function as a proper alternative provision of Education as it does not have a structure in place which even includes a Head Teacher!! Its ability to support children in mainstream therefore is highly unlikely. It is worth noting that the majority of children placed in LRB and PRU facilities often have very chaotic and challenging backgrounds with family lifestyles which leave a great deal to be desired. To reduce their opportunities for education support as a result of implementation of these proposals is disgraceful. Furthermore I draw your attention to the recently published figures on exclusion of pupils across Newport Schools they are truly a matter for extreme concern and will inevitably rise again under these proposals. I also ask te question here How many schools have withdrawn funding for the PRU? I would suggest a root and branch examination of Alternative Education in Newport should be conducted without delay given the current poor provision which is in place. Children have only one opportunity to be educated and that opportunity for many children will be denied if the proposals here are implemented. It would seem that by closing these facilities on financial considerations you are disadvantaging one group of children whilst putting resources into the education of another group.

### Response from Cabinet Member for Education & Skills:

Discussions between the Assistant Head of Education (Inclusion), the Curriculum Improvement Advisor for Behaviour, Additional Learning Needs Co-ordinator and the Senior Leadership Team at Llanwern High School notes that the pupils in question have already been accessing mainstream provision. The joint LA / school plan is for them to have a bespoke package of provision which will enable them to receive small group sessions, continue with the interventions to address their emotional needs and access their chosen pathway in mainstream in a supported manner. There is no plan for any of the pupils to be placed directly into large mainstream classes with or without support.

There are different approaches to structures and leadership arrangements for PRU's across England and Wales with no right or wrong arrangement. In Newport we are keen to learn from best practice and have been providing effective outreach support for a number of years. Our manager works closely with

Torfaen PRU, which delivers a widespread outreach service, and this has arisen from a recent review of our current provision.

Our exclusion figures, as pointed out, are not good but we have seen another significant decrease this year due to the training and support that has gone into our schools in relation to dealing with the complex needs of our pupils. This will not stop.

In November 2016 we started an in depth review of ALN provision at secondary level across the city. This was carried in conjunction with Pupils, Headteachers, Heads of Inclusion, Educational Psychologists, Advisors, Youth Service, Youth Offending Service and other stakeholders. As a result we have identified some shortcomings and are keen to introduce a much improved provision. We are endeavouring to work with other authorities and have plans to restructure the provision to best meet the needs of our young people. Currently Secondary Headteachers are reviewing how they are going to fund the PRU provision as opposed to the upfront uniform payment across the city which has been in operation for the last 8 years. The Assistant Head of Education (Inclusion) is due to meet with them in early July to finalise the arrangement.

## Scrutiny Committees

None

## Equalities Impact Assessment

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

A Fairness & Equality Impact Assessment (FEIA) has been developed to support the decision making of this stage of the proposal. If the proposal is taken forward the FEIA will be updated at each decision stage and published on the web site.

## Children and Families (Wales) Measure

Children and Young People are consulted as part of the statutory consultation process.

## Wellbeing of Future Generations (Wales) Act 2015

Report writers need to indicate how they have considered the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act. You will need to demonstrate you have considered the following:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs **by ensuring that children with additional educational needs are educated at appropriate placements**
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives **the needs of pupils with additional educational needs can be met in a more cost-effective manner**

- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies ***a formal statutory consultation will be carried out and supported at each stage by a FEIA to consider impact. This proposal supports the “A prosperous Wales” and “A more equal Wales” Well-being Goals and has no adverse effect on any of the other Well-being Goals. In addition this proposal supports the Newport City Council Well-being Objective “To improve skills, educational outcomes and employment opportunities”***
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives ***a formal statutory consultation will be carried out and supported at each stage by a FEIA to consider impact***
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve ***a formal statutory consultation will be carried out and supported at each stage by a FEIA to consider impact***

In summary this proposal supports wellbeing by supporting and promoting inclusion. Pupils will now be taught in a mainstream environment, rather than a small provision, with additional support and increased outreach services from the Pupil Referral Unit being provided where appropriate to meet the specific needs of individual pupils. This will improve skills, educational outcomes and employment opportunities, enabling young people to become independent and resilient.

### **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

### **Consultation**

None at this stage but this will be facilitated with key stakeholders as part of the school reorganisation proposal.

### **Background Papers**

None

Dated: 29 June 2017