

## Cabinet

<b>Report Title:</b>	Closure of Mill Meadow Pupil Referral Unit
<b>Meeting Date:</b>	24 January 2017
<b>Lead Councillor(s):</b>	Gordon Jones, Cabinet Member for Children's Services, Education and Skills
<b>Local Councillor(s):</b>	Councillor Colin Noble
<b>Director:</b>	Sue Cook, Corporate Director for Children and Adults
<b>Assistant Director or Head of Service:</b>	Allan Cadzow, Service Director, Children and Young People's Services
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### Brief summary of report

1. Mill Meadow is a 24 place Key Stage 2 and 3 Pupil Referral Unit (PRU) based in Gazeley near Newmarket. The Pupil Referral Unit caters for pupils with behavioural, emotional and social difficulties who have been permanently excluded or are at risk of permanent exclusion.
2. Mill Meadow was inspected by Ofsted in November 2015. The Unit was judged to be inadequate and requiring special measures.
3. In April this year, Ofsted revisited the school as part of its monitoring duties. The inspection confirmed that improvements had been made and deemed that Leaders and Managers were taking effective action towards the removal of special measures.
4. Although this was very positive news, the Education and Adoption Act 2016 requires the Secretary of State for Education to make an Academy order in respect of a maintained school in England, which requires significant improvement or special measures. Directive Academy Orders issued by Regional Schools Commissioners require the LA and governors to provide a timetable for how they will follow the order. Although a sponsor was identified the Trust subsequently decided that they did not want to pursue sponsorship of the provision. This means that currently there is no sponsor prepared to take on Mill Meadow and neither the DfE nor the LA has been able to identify another.
5. In the light of this, CYP's DMT agreed to consult on a proposal to close the Unit and offer places at other alternative providers in the west of the county. A
6. This paper summarises the consultation outcomes and the issues for consideration by Cabinet.

## **What is Cabinet being asked to decide?**

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| <p>7. Cabinet is asked to recommend to the Secretary of State that Mill Meadow Pupil Referral Unit is closed and the places offered by the Unit transferred to other alternative settings in the county.</p> |
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## **Reason for recommendation**

8. The LA's priority is to provide a stable, high quality environment for pupils attending the provision. In the light of the failure to attract a suitable sponsor and the cost of the refurbishing the present accommodation, the preferred course of action is to close the provision and transfer pupils to other alternative provision settings, as soon as possible. If this course of action is agreed, it would:
- enable pupils to be educated in stable, sustainable and appropriate settings;
  - enable pupils to be supported by experienced staff with appropriate resources.

## **What are the key issues to consider?**

9. The key issues to consider are as follows:
- a) what the implications of delay in finding a sponsor might mean for pupils needing alternative provision— delay would not be a positive outcome for pupils who need a stable and firm base to flourish;
  - b) the location, quality and appropriateness of the present accommodation – the Gazeley location is not ideal for pupils who have traditionally attended the Unit, the accommodation is not considered appropriate and the cost of bringing it up to standard is high;
  - c) whether suitable places can be found for pupils at existing alternative providers – the LA can provide places at other alternative providers in the west of the county.

## **What are the resource and risk implications?**

10. There is a risk that the Secretary of State will not agree to the closure of the Unit. This risk is being mitigated by the due diligence process which has been carried out on alternative providers.
11. Staff on permanent contracts will be entitled to redundancy payments if they do not find alternative employment in schools before the end of their contracts. Officers working with the Acting Head and Chair of the Management Committee have identified temporary redeployment opportunities for permanent staff already and we hope that some of these may become permanent appointments.

## **What are the timescales associated with this decision?**

12. The Unit will have no pupils from 1 January 2017. Ideally, we would have the Secretary of State's decision as close as possible to Cabinet's recommendation.

## **Alternative options**

13. Cabinet could decide to keep the Unit open and invest in major refurbishment of the existing buildings. This course of action would cost between £500k and

£750k. There is no provision in the CYP capital programme for this level of funding. Further investment in the buildings would not be a good use of public funds when we have capacity at other alternative provision units which have either good or outstanding Ofsted judgements. This option would not address the fact that the Unit is not well located for its pupil cohort.

### **Who will be affected by this decision?**

14. Staff who are currently employed at the Unit. Schools who send pupils to the Unit will also be affected. The local community is concerned about the future use of the site.

### **Main body of report**

#### **Background**

15. In June this year, CYP DMT agreed to consult on a proposal to close Mill Meadow PRU. Although improvements have been made at the Unit since Ofsted's Special Measures judgement in November 2015, the failure to attract a suitable sponsor and the cost of the refurbishing the present accommodation, means that it would be preferable to close the provision and transfer pupils to other alternative provision settings, as soon as possible. If this course of action is agreed, it would:

- enable pupils to be educated in stable, sustainable and appropriate settings;
- enable pupils to be supported by experienced staff with appropriate resources.

16. Since that time, officers have taken further advice and confirmed that the procedure for closing the Unit does not follow the statutory process for closing a school. If the Unit was not in Special Measures or expecting an Ofsted inspection, the LA could make a decision to close without using a statutory process. As the Unit *is* in Special Measures, the Secretary of State for Education must make the decision to close. Discussions with officers from the DfE have confirmed that its chief concern will be that there are sufficient good alternative provision places for pupils in the area if Mill Meadow is closed.

#### **Consultation Process and Outcomes**

17. Consultation on the proposal to close began on 12 September 2016 and ran for 4 weeks until 7 October 2016. The consultation paper (Appendix A) was sent to schools in the western area, local district and county councillors, local MP and MEP, Gazeley Parish Council, District and Borough Councils, site Trustees, Trade Unions and the local library in Newmarket. Parents, carers and staff also received copies of the consultation paper. Meetings were held for staff at the Unit and, separately, for parents although no parents attended.
18. Seven responses were received from respondents during the consultation. Of these, two people expressed concerns about the proposal to close the Unit. One of the respondents expressed the view that the LA's handling of issues at the Unit had prevented planned improvements from going ahead. This view did not take into account the SoS's requirement to find an academy sponsor

when a Unit is found to be failing. The other respondent raised concerns about the impact of change on pupils currently attending the Unit.

19. Both respondents were concerned about the future of the site and expressed a view that there should be continued educational or therapeutic use. Decisions about the future use of the site cannot take place until the Secretary of State decides on the proposal to close. The process then would begin with internal discussions to identify any other educational use. If none is identified by SCC, the likely next step would be consultation on the future of the site involving the Trustees (who own the buildings), SCC (which owns the playing field) and the local community.
20. The proposal to close Mill Meadow was not taken lightly and was made because the Unit was failing and a suitable academy sponsor could not be found. The location of the Unit is not ideal as pupils enrolled at the provision do not predominantly come from the Gazeley area (Appendix C). The building itself is not fit for purpose and requires significant capital investment. Sponsors who initially showed interest were concerned about the extent of refurbishment and expansion required and the location of the Unit. The LA would not consider significant capital investment to upgrade a Unit which is in Special Measures and which is not well located for pupils an efficient use of scarce resources. Importantly, there is capacity at other, more centrally located Units to absorb the 24 places currently on offer at Mill Meadow.
21. Concerns about the impact on change for pupils were shared by the LA and the Unit's Management Committee. In November 2016, there were 6 pupils on role at the Unit. These pupils had forward placements and transition plans to support their move to new placements. This would have been the case whether or not the Unit closed as provision at Mill Meadow is only intended to be short term.
22. The Mill Meadow Management Committee wrote in support of closure on the grounds that the Unit was no longer sustainable and offered its view of the potential Alternative Education providers named in the consultation paper.
23. The remaining 4 responses to the consultation were supportive of one of the potential Alternative Education Providers. An analysis of the consultation responses is attached as Appendix B.
24. The LA agrees that its chief concern is that any places lost through the closure of the Unit are made up at good quality alternative provision in the western area and that the transition of pupils to new provision is well managed. This will be the focus of the DfE's decision-making also.

### **Due diligence process**

25. The process for assessing where 24 places could be re-provided in West Suffolk covered the following areas:

- Safeguarding
- Health and Safety
- Quality of teaching and learning
- Capacity to expand
- Cost of expansion

26. The Assessment Panel was made up of:

- Strategic Lead for Standards and Excellence
- Lead Standards and Excellence Officer for Mill Meadow
- Head of Service Development SEN/AP
- Head of Health and Safety
- Local Offer Manager

The process has been overseen by the Interim Assistant Director, Education and Learning.

27. Potential Providers in the western area were identified as follows:

Name	Town	Age range	Current Places inc 10% buffer	Number on roll May 16	Key Stage 1	Key Stage 2	Key Stage 3	Key Stage 4
First Base	Bury St Edmunds	3-8	14	12	12			
The Albany Centre	Bury St Edmunds	14-16	35	31				31

28. The Albany expressed a strong desire to develop a secondary PRU model by expanding its current KS4 offer to include KS3. They argued that by moving KS3 places into a secondary environment, they would be better placed to support the re-integration of pupils into mainstream education. If the PAN could be increased, the Unit would be able to recruit additional specialists which, they believe, would enhance the GCSE offer. The Headteacher of the Unit is confident that the Unit offers high quality, sustainable and secure provision for 12 re-allocated KS3 places from Mill Meadow.

29. A feasibility study has been carried out at The Albany for alterations to support the introduction of 12 x KS3 places. The estimated cost of the works is £63k.

30. First Base, Bury St Edmunds, was judged outstanding in November 2014. It has capacity to take an additional 6 KS2 pupils without capital works and is keen to do so.
31. The Assessment Panel is currently considering the details relating to the relocation of places to The Albany and First Base but, in principle, is satisfied that, between them, both providers will offer high quality provision to 18 pupils who would have attended Mill Meadow.
32. The service has already moved some of the pupils who were attending Mill Meadow to Mount Road ASC provision at the Priory Special School. This accounts for the remaining 6 places to be re-provided.
33. Capital funding for any improvement works will come from the 2017/18 Emergency Build Programme.

### **Staffing**

34. There are currently 12 members of staff at the Unit. 6 are on fixed term contracts which will end on 31 December this year. One has a zero hours' contract and there 5 are permanent employees. Staff on permanent contracts are working out their notice periods supporting children in mainstream schools.

#### **Sources of further information**

- a. Consultation Paper Appendix A
- b. Summary of Consultation Outcomes Appendix B
- c. Pupil map Appendix C
- d. EIA can be found [here](#)