

**CYNGOR SIR POWYS COUNTY COUNCIL**

**CABINET REPORT  
FOR PORTFOLIO HOLDER DECISION**

**26<sup>TH</sup> AUGUST, 2011**

**REPORT AUTHOR: John Mitson, School Effectiveness Officer, Working with Others**

**SUBJECT: Closure of the Residence at Brynllwarch Hall School**

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**REPORT FOR: Decision**

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**Summary**

The purpose of this report is to gain approval for the publication of statutory notices for the closure of the residence at Brynllwarch Hall School.

In 2000, the residential provision at Brynllwarch Hall School, the Authority's Specialist School for pupils with moderate learning difficulties and/or emotional and behavioural difficulties, located in Kerry, near Newtown, included 36 residential places for both boys and girls.

In 2001, the Care Standards Inspectorate for Wales (CSIW) introduced new standards for the residential care of all pupils, attending schools, and this resulted in the girls' residential block, the former stables at the school, being no longer fit for purpose. This block was, therefore, closed as a residence, reducing the residence at the school to 25/26 pupils. This made the girls' residential building available for other purposes at the school, particularly teaching. The residence was, therefore, reduced, with effect from 2001, to the top floor in the main house and the two former teachers' houses on the school campus.

In 2009, following a critical Fire Officer Inspection Report, it was necessary to close the residential floor in the main house and, therefore, the residence was reduced to the two houses, a total of eight pupil bed spaces.

The provision of residential places at Brynllwarch Hall School was to permit the school to provide a county-wide provision. It is the only school of this nature within Powys and, therefore, in order to make the facility available to all of the county, residential provision was required. At the end of the summer term, 2010, the need for residential provision to enable pupils who attend the school because their homes were too distant for daily travelling, ended.

For a number of years, Brynllwarch Hall School has ceased to be a county-wide provision and has become a provision for pupils in north and mid Powys. Currently, nearly 50% of the pupils attending the school come from the Newtown High School catchment area and, therefore, residential provision is no longer required. In addition, pupils from the south of the county who previously would have attended Brynllwarch Hall School, no longer attend. The reasons for this are as follows:-

- parents and their children no longer wish to attend schools on a residential basis from Mondays to Fridays;

- some pupils who, previously, would have attended Brynlywarch Hall School, are now benefitting from the provision available at Ysgol Penmaes, Brecon, which can be reached, on a daily basis, from all parts of south Powys;
- the Authority is making greater provision for pupils, who previously would have attended Brynlywarch Hall School, in south Powys through support arrangements in mainstream and through the Authority's Complementary Education Service;
- the Authority's funding for outreach and the funding received through the Welsh Government's grant for 'Unlocking the Potential of Special Schools' which has also been used to support the Authority's outreach service, means that staff from Brynlywarch Hall School are able to provide advice and support to colleagues in mainstream schools, in all parts of the Authority, including south Powys, on meeting the needs of pupils with moderate learning difficulties and with emotional and behavioural difficulties who are attending mainstream schools.

During the 2010/2011 financial year, the Authority budgeted £125,000 to fund the residence. This met the cost of the provision itself as well as the staff costs incurred in supporting the pupils. This is, therefore, a very expensive residential provision and for the period from September, 2010, onwards, as there were no pupils requiring the provision because of the distance of their home from the school, pupils at the school have been permitted to spend one or two nights a week in the residence, as unofficial respite. To maintain the residence for this purpose when there are no pupils requiring access because of their geographical location, in respect of the school, would be an inefficient use of resources and a very expensive provision.

In the light of the above, the Council's Board considered a report seeking approval to start the statutory consultation process to close the residence at Brynlywarch Hall School at its meeting held on 25<sup>th</sup> January, 2011, and members resolved that approval be given to the commencement of statutory procedures for the closure of the residence.

In addition, informal consultations were carried out with the following as the first step in the process:-

- Parents of pupils at the school;
- Headteachers of Powys schools;
- Powys Children's Services.

The informal consultation took place between 31<sup>st</sup> March, 2011, and 28<sup>th</sup> April, 2011, and, during that period, only one objection to the closure of the residence was received.

During the 2010/2011 school year, both the Care Standards Inspectorate and the Fire Officer have confirmed that further expensive works need to be undertaken in relation to the two houses still used as residences in order to bring them up to an acceptable standard and this would require significant capital expenditure for the Authority in order to maintain the number of bed spaces currently available. In short, the residence is no longer fit for purpose and the Authority has not identified the capital required to carry out the necessary upgrades to the buildings. In the light of this situation, there will be no residential pupils at the school with effect from September, 2011. As indicated above, all the pupils at the school, including those who have been using the residence on an informal respite basis will be able to travel to and from school on a daily basis.

Statutory consultation was carried out during the period 7<sup>th</sup> July to 19<sup>th</sup> August, 2011, and commenced with consultation meetings held, with the following, on 7<sup>th</sup> July, 2011:-

- Union Representatives;

- staff
- Governors of the school;
- parents/community members.

Interested parties were given until 19<sup>th</sup> August, 2011, inclusive, to submit their views and objections in relation to the proposed closure and only one objection has been received. This is from the parent of a pupil who lives approximately 15 miles from the school and is made on the basis that the pupil will no longer be able to spend an occasional night at the school, on a respite basis. This pupil does not meet the geographical criteria for use of the residence and, therefore, would not qualify to access the residence if pupils living more distant from the school required it. It is not part of the role of the School's Service to provide respite for pupils and the Authority receives no funding to enable this provision to be made. Provision of respite is a responsibility of Children's Services and, while there was no objection to the occasional bed space being taken by a pupil on a respite basis when there was a requirement for residential provision for pupils who lived too distant from the school to travel on a daily basis, it would not be appropriate to maintain the provision for this purpose now that the geographical requirement has disappeared.

### **Proposal**

In the light of the above, the Authority is proposing that statutory notices be published, in respect of the closure of the residence at Brynllwarch Hall School, on the basis that, if agreed, the residence would formally close with effect from 31<sup>st</sup> December, 2011, or as soon as possible, thereafter. A statutory notice of closure will be published at the school, nearest library, and in the local press, inviting any formal written objections to be submitted within one month of publication. If there are objections, the matter will be referred to the Education Minister of the Welsh Government for determination. The Minister will consider the objections, the Authority's response to those objections, all the supporting evidence, and then decide to approve, reject or modify the proposal.

### **Corporate Improvement Plan**

This proposal is consistent with the Authority's plans to make local provision for pupils with additional learning needs and is consistent with the school modernisation process which, in addition to focussing on the development of 21<sup>st</sup> Century Schools, also focuses on local provision for local pupils. The risk to the Council is that this would formally make Brynllwarch Hall School a school for north and mid Powys and require alternative arrangements in the south of the county. These arrangements are partly in place as a result of parental objections to residential provision, and plans are in place for further development, with effect from September 2012, through the completion of the school modernisation process in the Ystradgynlais area.

### **Options Considered/Available**

There are no alternatives to closure as the Care Standards Inspectorate requires certain facilities to be in place, in relation to residential pupils, however small a number. There is, therefore, no possibility of reducing the expenditure on the residence, no matter how small the number of pupils using it becomes.

### **Preferred Choice and Reasons**

Closure of the residence for the reasons given above.

## **Sustainability and Environmental Issues/Equalities/Crime and Disorder/Welsh Language/Other Policies etc**

The proposal will remove what has become an unnecessary and expensive provision, freeing the resourcing and the buildings for alternative uses. The proposal will not impact on the Council's crime and disorder/Welsh language/other policies.

## **Children and Young People's Impact Statement - Safeguarding and Wellbeing**

The impact of this proposal on Children and Young People will be negligible as only a small number of pupils have used the residence in recent years, on a respite basis, and they are all able to travel to and from the school on a daily basis.

## **Local Member(s)**

N/A

## **Other Front Line Services**

On occasions, Children's Services have requested that residential provision be made for pupils attending the school, who do not meet the geographical criteria, as short-term respite. The closure of the residence will mean that this is no longer available but this was only ever a very occasional arrangement and additional to the usual respite arrangements made by Children's Services. During the initial, informal consultation in respect of the proposal to close the residence at Brynllwarch Hall School, which included Children's Services, no objections were received from that agency.

## **Support Services (Legal, Finance, HR, ICT, BPU)**

The Principal Accountant for Communities, Skills and Learning confirms that, on the basis of 2011/2012 costings, a full year's saving of £125,000 would be achieved with the closure of the residence. Closure in December 2011 will achieve a £31,250 saving for the part year. There will be additional transport costs of approximately £1,600 in 2011/2012 to transport these pupils on a daily basis. These are, however, not significant as most of the pupils will access existing transport provision. There may also be redundancy/early retirement and compensatory payment costs associated with changes in staffing which are yet to be quantified, all of which will reduce the initial saving. The Governing Body of Brynllwarch Hall School will need to consider the change in provision and reduction in funding when planning their budget for 2012/2013.

Legal - There are no legal implications at this stage

## **Local Service Board/Partnerships/Stakeholders etc**

N/A

## **Communications**

N/A

## **Statutory Officers**

The Strategic Director, Finance and Infrastructure (Section 151 Officer) has commented:-

"I note the comments of the Principal Accountant. The proposal will deliver recurring savings; these will cover termination costs in a relatively short timeframe."

The views the Strategic Director, Law & Governance (Monitoring Officer) is that:

"Provided that the consultation process is followed through properly, there are no legal implications at this stage"

### **Members' Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

### **Future Status of the Report**

(This section must be completed if the report is a confidential/exempt report)

Members are invited to consider the future status of this report and whether it can be made available to the press and public either immediately following the meeting or at some specified point in the future.

The view of the Strategic Director, Law & Governance is that:

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
Approval be granted for the publication of statutory notices in respect of the closure of the residence at Brynllwarch Hall School.	No longer a need or demand for residential provision at the school.

<b>Relevant Policy (ies):</b>	School Modernisation		
<b>Within Policy:</b>	Y	<b>Within Budget:</b>	Y

<b>Relevant Local Member(s):</b>	Councillor Mrs K M Roberts-Jones
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<b>Person(s) To Implement Decision:</b>	School Effectiveness Officer
<b>Date By When Decision To Be Implemented:</b>	31 <sup>st</sup> December, 2011

Contact Officer Name:	Tel:	Fax:	Email:
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### **Background Papers used to prepare Report:**

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