

## CABINET

11 January 2024

### FUTURE OF THE PARKS SPECIAL NURSERY SCHOOL

#### Report of the Portfolio Holder for Children's Services

Strategic Aim:	Healthy and Well  A County for Everyone	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr T Smith - Portfolio Holder for Children and Families	
Contact Officer(s):	Dawn Godfrey Strategic Director Children and Families	dgodfrey@rutland.gov.uk
	Gill Curtis Head of SEND, Inclusion and Learning	gcurtis@rutland.gov.uk
Ward Councillors	All	

## 1 SUMMARY AND RECOMMENDATIONS

### 1.1 Summary

- 1.1.1 The Parks Special Nursery School is a registered nursery school located on the same site as Oakham Church of England (CE) Primary Academy but maintained by the Local Authority. The Parks offer includes support for children with moderate and severe learning difficulties, as well as support for speech, language and communication, autism and physical disabilities. The Parks is designated as a nursery school; however, all children currently being taught at the school are of primary school (reception) age, which is outside the age range that the Parks is set up for. There are no children accessing a special nursery place this academic year and Rutland County Council is not aware of any children of nursery age needing specialist nursery provision from September 2024.
- 1.1.2 Following a review of the provision at the Parks by a group of experienced, independent SEND (Special Education Needs and/ or Disabilities) professionals which took place over two and a half years, it was identified that there were issues with the operational sustainability of the Parks. This was due to its size and scale; places at the Parks places are expensive and the nursery has very small pupil

cohorts which does not offer the best early education experience to set children on a positive path in their education, where socialisation with other children is a key positive early experience.

- 1.1.3 It was agreed at Cabinet on 12<sup>th</sup> September 2023 to go out to consultation on the future of The Parks provision, following the process set out in the Department for Education (DfE) guidance '*Opening and Closing Maintained Schools - Statutory guidance for proposers and decision makers*' (January 2023). Consultation opened following the public launch on November 1<sup>st</sup> and closed at midnight on Sunday 3<sup>rd</sup> December.
- 1.1.4 80 individual people submitted a response through the dedicated parks consultation inbox over the consultation period. These were reviewed by an independent reviewer and, whilst all respondents raised some concern related to the proposal to close the Parks, there were no representations which offered any viable alternatives to closure.
- 1.1.5 The local authority is the decision maker on a school closure proposal and needs to have a position by mid-February 2024, when children's school places are communicated to parents for the start of the academic year September 2024.

## 1.2 Recommendations

- 1.2.1 Cabinet considers the outcome of the consultation and the feedback from the independent reviewer and approves the closure of the Parks Special Nursery School with effect from the end of the academic year, August 2024.

## 1.3 Reasons for Recommendations

- 1.3.1 Rutland County Council's ambition is to be a County that promotes inclusion, which supports all children and young people with Special Educational Needs and or Disabilities (SEND) to lead healthy, independent, and safe lives, focuses on their abilities not their disabilities and, wherever possible, have their needs met locally. (Rutland SEND and Inclusion Strategy 2021).
- 1.3.2 Following an independent review of the Parks, it was identified that the current arrangement was expensive and did not reflect the national and local aim for more children with special educational needs to be educated within their local mainstream early education or school setting.
- 1.3.3 The Parks is no longer operationally viable and continuing to keep it open does not make best use of limited resources. The Parks Special Nursery School has very small pupil cohorts which does not offer the best early education experience to set children on a positive path in their education, where socialisation with other children is a key positive early experience. Numbers over the past 6 academic years are shown below:

<b>Year</b>	<b>Nursery year children in Parks</b>	<b>Reception year children in Parks</b>	<b>Year 1 children in the Parks</b>
2018- 2019	3	3	
2019-2020	1	4	
2020-2021	5	3	

<b>Year</b>	<b>Nursery year children in Parks</b>	<b>Reception year children in Parks</b>	<b>Year 1 children in the Parks</b>
2021-2022	2	5	1
2022- 2023	2	5	1
2023-present		3	

- 1.3.4 The number of children legitimately requiring ‘specialist’ nursery places has declined. Children are placed there often because of lack of places to progress to at Reception, or by parental preference, rather than LA recommendation. The Designated Specialist Provision (DSP) at Oakham CE Primary School provides additional educational support so that children’s special needs can be met within a mainstream school setting, rather than a separate special school. Oakham CE Primary School DSP offered 20 places for children with EHCPs whose primary needs are Autistic Spectrum Disorder and Moderate Learning Difficulties but historically did not offer places for Reception Year children. Therefore, the Parks had supported children through Reception and even into Year 1.
- 1.3.5 Following negotiations, a new specification and a revised Memorandum of Understanding has been agreed with Rutland Learning Trust. From September 2023, a further 4 places at the DSP were commissioned and this now provides education from Reception age to the end of Year 6, supporting the aim to increase places for school-aged children and young people with SEND within Rutland schools.
- 1.3.6 The proposed changes to the delivery model for nursery-aged children will provide the opportunity to invest more in supporting children in their local mainstream early education settings when this is in their best interest and builds on the strengthening of the emerging good practice already being identified through the development of the SEND and Inclusion Early Years Pathway. Whilst there isn’t any dedicated specialist SEND provision in Early Years settings, many practitioners are highly skilled and experienced in supporting children with SEND and in promoting inclusion so that children with additional needs can benefit from receiving their early education offer with their peers.
- 1.3.7 The funding currently allocated to the Parks would support the development of further additional places for statutory school age children with SEND at the Designated Specialist Provision (DSP) at Oakham CE Primary school.; if the Parks remains open, this funding would not be available for the provision of additional places for children with SEND within in a Rutland school. Additionally, the space currently utilised by the Parks would be required to support the expansion of the primary DSP and would not be available if the Parks remains open.

## **2 REPORT**

### **2.1 Introductory Paragraph**

- 2.1.1 The Parks Special Nursery School is on the same site as Oakham CE Primary School but is a separate Ofsted registered nurse school occupying 2 dedicated classrooms, with access to shared spaces in the primary school. However, Special Nursery Schools are now extremely rare in the UK and, if available, they are usually designed to meet the needs of children with multiple and very complex special educational needs. As a specialist provision, the Parks was not set up to meet every

child's additional needs and there are nursery-aged children with an Education, Health and Care Plan whose needs would not be able to be met at the Parks.

## **2.2 Options Considered**

- 2.2.1 Prior to consultation there were 2 options identified for Rutland County Council. There was the potential for further options to be presented during the formal consultation period; however, no viable options were received.
- 2.2.2 OPTION 1 - to continue with current arrangements. Whilst this may be viewed more favourably by some Rutland residents, this reduces the opportunities of young children to engage in an educational, social and emotional offer accessed with their peers with a local mainstream early education setting which sets them on a pathway for a positive educational trajectory, and would not support the aim to ease the continued pressure on the High Needs Block.
- 2.2.3 OPTION 2 - to proceed with closure of the Parks Special Nursery School with effect from the end of the summer term 2024. This option would offer challenges for the Council, however, would enable funding currently restricted to provision in the Parks to be utilised more effectively to better meet the wider needs of children with Special Educational Needs and/ or Disabilities. This option would be building on the already strengthening offer across the mainstream sector, so that there would be no loss of quality or quantity of provision, or of expertise and specialism locally, because this will be provided in maintained provision. In addition, arrangements will be more accessible and convenient for Rutland parents and children.

## **2.3 Background**

- 2.3.1 In 2019, Rutland Schools Forum SEND Recovery Plan triggered the development of the SEND and Inclusion Early Years Pathway which examined the current education arrangements for children or young people with Special Educational Needs and/ or Disabilities to ensure they were either fit for purpose, or to plan for a future alternative model. The Pathway sets out a model for more Rutland children to benefit from completing their education within a mainstream early years and primary school setting where this was in their best interest.
- 2.3.2 As a result, two proposed changes were identified: To work with the Early Years sector to enhance the confidence and capability within mainstream early education settings so that they were more able to successfully support children with emerging wider needs AND to undertake a review of existing resources, both expertise and finances, starting with the Designated Specialist Provision at Oakham CE Primary School and the Parks Special Nursery provision.
- 2.3.3 All early education providers who receive government funding from the local authority are required to have due regard to the Special Educational Needs Code of Practice (2015). There are currently 32 registered early education providers in Rutland, made up of 14 nurseries, 14 childminders and 4 school-based EY provisions and, at the last Childcare Sufficiency Assessment <https://www.rutland.gov.uk/education-learning/early-education-childcare/childcare-sufficiency> there was 28% vacancy across the county indication of availability of places for Rutland families.
- 2.3.4 A key priority within the Pathway was further improving the quality of the early years

offer across Rutland settings to better meet the different needs of young children, with a focus on early identification of need and timely early targeted intervention. This would utilise the funding available early in the SEND system to help prevent children's needs from escalating and assisting in more positive long-term outcomes.

- 2.3.5 To promote the shift from a dedicated to an integrated education approach for children and young people with SEND, the Local Authority recently appointed a specialist SEND Early Years teacher to support early education providers. This further enhances the SEND and inclusion support available to children which includes a significant programme of training and resources to promote inclusive practice across Rutland's early years and childcare provisions. This is providing early education staff with increased specialist skills and confidence to effectively support children with SEND in mainstream settings. This was reflected in responses to the consultation; only 2 respondents raising a concern over the availability of suitable provision identified themselves as working within the early education sector.
- 2.3.6 A Speech Language Therapeutic Senior Practitioner has been working on early communication skills acquisition with all settings since 2021. Once the arrangements for Reception Year children with EHCPs (Education, Health and Care plans) had been secured, focused work started with the wider sector. An Early Years Specialist Social, Emotional and Mental Health Teacher, funded by Early Years (EY) Block of the Dedicated Schools Grant underspend was commissioned to help Private Voluntary and Independent Early Years settings put into practice the learning they gain through our Early Years learning programmes. This hands-on practitioner helps grow confidence and adjust practice to support children with emerging needs to thrive in a mainstream setting and not escalate into more specialist support. Both providers work on whole settings practice to develop a sustainable system. Both these initiatives are already having a tangible impact on confidence in SEND practice for practitioners and received great feedback from parents. Additional therapeutic support is planned through Delivering Better Value grant funding to help individual children.
- 2.3.7 The impact of this programme of professional development and support is seen in improved provider confidence and capacity to offer a wider choice of places for children with additional needs. In September 2023 the Council undertook an early education and childcare survey of parents and carers to gain a better view of parental need, which built on the feedback from the parental views gathered through the annual Childcare Sufficiency Assessment process undertaken earlier in the year. The outcomes of these surveys enable the Council to review the impact of actions taken, to identify potential gaps in provision and to better direct resources. 100 responses were received to the September survey, and responses involved 155 children aged 0-6 years old, with a good mix across the age groups. Questions were asked specifically on whether any children under the age of 6 years currently received any special or targeted support with a total of 47 responses saying yes, and of these, 83% felt their child was getting the support they required, which demonstrates the impact of the programme of support, and the improved confidence within the early education sector.
- 2.3.8 This reflected the OFSTED/CQC inspection report from May 2023 which found that "High-quality inclusion support for practitioners in the early years provides them with the confidence to identify and assess children's needs."
- 2.3.9 Changes to the delivery model provide the opportunity to invest more in supporting

children in mainstream settings. Working with key stakeholders, the provision arrangements will be adjusted to meet forthcoming needs, serve more children and families in Rutland and develop sound and sustainable Early Years arrangements linked to the Family Hub Programme, aligned to Rutland's SEND and Inclusion Strategy and in line with the SEND and AP (Alternative Provision) Improvement Plan, seeking for more effective inclusion of children in their preparation for adulthood.

- 2.3.10 Parents and carers who have concerns that their young child may have additional needs are able to access advice and support through the Family Hub <https://www.rutland.gov.uk/rutland-information-service/family-hub> or the Local Offer <https://www.rutland.gov.uk/rutland-information-service/send-local-offer>.
- 2.3.11 To enable the Authority to ensure that the offer for families with children with SEND was achieving Rutland's vision to support all children and young people with SEND to lead healthy, independent, and safe lives and, wherever possible, have their needs met locally (Rutland SEND and Inclusion Strategy 2019), a group of experienced, independent SEND professionals were commissioned to undertake a review of the special provision at the Parks School starting in 2020. The focus was to examine the current arrangements and to ensure they were either fit for purpose, or to plan for a future delivery model. This included establishing a working group, independently facilitated by experts in the field of SEND and education, comprising of Rutland County Council officers, school leaders, parent governors and teaching staff from the Parks and Oakham CE Primary School, to develop a more inclusive Early Years pathway and widen the early education offer for children with additional needs.
- 2.3.12 This review, which took place over two and a half years, identified that there were issues with the operational sustainability of the Parks due to its size and scale. Recommendations from the review included strengthening inclusive leadership, strengthening inclusive relationships, shared design and understanding and refreshing the existing SEND and Inclusion Strategy in line with current outcomes of recent national reviews. This resulted in the development of the Early Years Pathway which sets out to develop SEND provision which is fit for purpose, meets demands and needs and remains flexible to ensure these criteria continue to be met. It also invests in the early years providers locally in order to build sustainable confidence in inclusion across the sector.
- 2.3.13 The Early Years Pathway aims to ensure best value, whilst offering access to support for more children, including those with emerging needs and those for whom an Education, Health and Care Plan is not appropriate. The intent is to increase opportunities for children with SEND or emerging needs to access mainstream Early Years education closer to home, where this would be in the best interest of the child. This is delivered within the early education offer in Rutland, enhanced by a suite of services and support for the child and the wider family, arranged in partnership between Rutland County Council SEND and Inclusion Service and the early education provision, to include therapeutic support and wider family hub arrangements. This would reduce the need for long journeys and give children with additional needs the opportunity to form friendships with other local children their age.
- 2.3.14 These services would be intended to help prevent children's further escalation and improve families' confidence and individual family functioning while this enhanced,

more holistic support package, would be focused on a transition to mainstream for the majority, for the next step in their journey. For those young children with more complex needs, whose needs historically would not have been met at the Parks, we will continue to work with families and specialist education providers to ensure they receive the high-level of targeted support they require. Where children with SEND are not attending a nursery or childminder setting, Rutland County Council's Early Years Inclusion team will continue to provide support via home visits.

2.3.15 As a result of the outcomes of the independent review, it was agreed at Cabinet on 12<sup>th</sup> September 2023 to go out to consultation on the future of The Parks provision.

## 2.4 Consultation

2.4.1 Consultation on the closure of The Parks Special Nursery School followed the process set out in the Department for Education (DfE) guidance 'Opening and Closing Maintained Schools - Statutory guidance for proposers and decision makers' (January 2023). The reason cited for the proposed closure was that the Parks is no longer considered viable and that there will be no loss of quality or quantity of provision or of expertise and specialism locally as this will be provided in maintained provision. In addition, arrangements will be more accessible and convenient for local parents and children.

2.4.2 Consultation opened following the public launch on November 1<sup>st</sup> and closed at midnight on Sunday 3<sup>rd</sup> December 2023.

2.4.3 Consultation responses have been reviewed by an independent reviewer, Maureen Morris; Maureen is a parent-carer herself and has worked as a parent participation consultant nationally for a number of years, as well as being an associate of the charity Contact for families with disabled children. She is highly experienced in gathering the voice of parents, carers, and children.

2.4.4 Maureen reviewed all of the respondent e-mails, noting the comments, questions and responses as they came in. Her review took into account the impact on the author, the number of responses and the themes emerging, and questions were raised with Council staff as they arose which enabled officers to respond to key themes and provide feedback. The Council has published questions and answers on Rutland County Council's website, and these can be found at <https://www.rutland.gov.uk/theparks>.

2.4.5 A total of 80 individuals submitted a response through the dedicated parks consultation inbox over the consultation period, though there are 92 actual responses because of additional comments sent in following publication of the Q & A document on the website. Maureen rated these as Green - A concerned citizen who may have some knowledge and/or experience of this complex issue. This knowledge may or may not be current and/or the respondent has given no viable solution; Amber - Respondent has or has had a relationship with The Parks Special Nursery School, perhaps directly or indirectly. The decision may or may not have an impact on either their setting or them personally; Red - Respondent may be directly impacted by any decision regarding The Parks Special Nursery School or may have a solution which should be or has already been considered by Rutland County Council. 70 were rated green, 3 as amber and 7 as red.

2.4.6 Whilst all respondents raised some concern over the proposal to close the Parks,

with some very personal case studies relating to children who had attended over the past 10 years or more, there were no representations which offered any viable alternatives to closure. As these representations were received, responses to emerging themes were made through the updated Q & A documentation on the website, which sometimes then resulted in further representation. However, these representations made to the Council did not offer any viable solutions to the issue raised. All representations have been collated and published with these papers (Appendix A) following careful checking and redacting to ensure all identifiable personal details have been removed.

- 2.4.7 The independent reviewer, having carefully analysed all representations, considers that there were no viable alternatives to closure offered as an outcome of the consultation. She supports the proposal to proceed with closure of the Parks and to make more effective use of the wide-ranging resources available to families, such as the Family Hub and Early Help, and to education providers through the expanding programme of professional development and support. The Parks Special Needs Nursery Consultation Independent Review for Rutland County Council has been completed by Maureen and can be found in Appendix B.
- 2.4.8 It is our recommendation that the closure of the Parks Special Nursery School is confirmed, and the next steps are actioned prior to the cut-off date for communicating special school places in February 2024.

### **3 IMPLICATIONS OF THE RECOMMENDATION**

#### **3.1 FINANCIAL IMPLICATIONS**

- 3.1.1 Special Needs Education is funded by the Dedicated Schools Grant (DSG) High Needs Fund. The development of the Early Years Pathway, with changes to the delivery model as described above, is key within the Council's Recovery Plan, providing the opportunity to invest more in supporting children in mainstream settings and thereby contributing towards to easing the deficit in the Dedicated Schools Grant. The deficit on the DSG this year is c£600k with the total deficit being £1,918k.
- 3.1.2 The cost of maintaining a place in mainstream DSP provision would be £10k per place. The Parks has a minimum Funding Guarantee of £250,719 for the 7.5 placements which was agreed to help the school with budgeting when the Council issued a formal letter stating its concerns of the finances of the Parks. This figure was agreed as from 2017/18 to 2021/22; however, the Council had been funding more than this in every year other than 2020/21 which was impacted upon by Covid.
- 3.1.3 Removing the Parks from the offer in Rutland, in line with the Delivering Better Value programme and the SEND Recovery Plan, which would enable further investment in the Designated Specialist Provision at Oakham Primary Academy and across the early years sector.
- 3.1.4 Following negotiations, a new specification and a revised Memorandum of Understanding has been agreed with Rutland Learning Trust. From September 2023, this now provides education from Reception age in the Designated Specialist Provision (DSP) at Oakham C of E Primary School. Investment in the DSP, resulting in an additional 4 places in September 2023 and a further 4 in September 2024, will be compromised if the Parks remains open because the funding will be



subsumed within the funding required to keep the Parks operating.

- 3.1.5 More choice and better support closer to home means we can invest more money into mainstream SEND support locally. Rutland's High Needs Funding can then be shared more equally among providers to widen the support available to a greater number of young children, leading to better outcomes for everyone.

## **3.2 LEGAL IMPLICATIONS**

This section has been approved by Sarah Khawaja, Head of Legal and Democratic Services.

- 3.2.1 It is the responsibility of local authorities to ensure that they act in accordance with the relevant legislation and have regard to statutory guidance when seeking to close a maintained school.
- 3.2.2 Consultation on the proposal to close The Parks Special Nursery School was carried out according to the Department for Education (DfE) guidance '*Opening and Closing Maintained Schools - Statutory guidance for proposers and decision makers*' (January 2023).
- 3.2.3 If the decision is made to close the school with effect from the end of the academic year, August 2024, the Local Authority will continue to consider all legal implications associated with disestablishing a maintained school as specified in Annex C of the statutory guidance: Proposals for school closures. [https://assets.publishing.service.gov.uk/media/63d1357ed3bf7f3c44bcd6b9/Opening\\_and\\_closing\\_maintained\\_schools\\_Jan\\_2023.pdf](https://assets.publishing.service.gov.uk/media/63d1357ed3bf7f3c44bcd6b9/Opening_and_closing_maintained_schools_Jan_2023.pdf)
- 3.2.4 Within one week of making a decision, the Local Authority MUST publish their decision, and the reasons for such a decision being made, on their website

## **3.3 Risk Management Implications**

The main risks to this Report and the Council achieving its objectives are as follows:

- 3.3.1 Risks associated with the closure of the Parks – Finance and Viability
- 3.3.1.1 Assessment of Risk – High
- 3.3.1.2 Mitigation: The school is not financially viable under current arrangements and if the decision is made not to close, it will continue to add pressure to the High Needs funding. Closure of the Parks, in parallel with the delivery of the High Needs Recovery Plan and the Early Years Pathway, will ease the deficit on the High Needs Block. Financial resources can be redirected to provide a more sustainable approach to meeting the needs of children with additional needs, with skills and expertise available in early education settings across the county. Specialist provision will continue to be provided for those young children with complex needs where it is required.
- 3.3.1.3 Residual Risk - Medium
- 3.3.1.4 Record of Risk: within High Need Fund Recovery Plan

### 3.3.2 Risks associated with the closure of the Parks – Profile

#### 3.3.2.1 Assessment of Risk – high

3.3.2.2 Mitigation: There is reputational risk associated with any school closure. Local Authorities must ensure that, when closing a school that there will be no loss of expertise and specialism and that any replacement must be more accessible and convenient for local parents. The review of the Parks and the subsequent development of the Early Years Pathway and the associated programme of professional development and support for the Early Years sector has strengthened the the expertise across the sector, with specialist provision being available where this is required to meet specific complex need. Consultation offered stakeholders to respond and to offer alternative viable options to closure, but none have been received.

#### 3.3.2.3 Residual Risk – medium

#### 3.3.2.4 Record of Risk: within High Need Fund Recovery Plan

### **3.4 DATA PROTECTION IMPLICATIONS**

3.4.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no identified risks or issues to the rights and freedoms of individuals

### **3.5 EQUALITY IMPLICATIONS**

3.5.1 An Equality Impact Assessment (EqIA) screening has been completed. No adverse or other significant issues were identified. A copy of the EqIA can be obtained from [gcurtis@rutland.gov.uk](mailto:gcurtis@rutland.gov.uk)

### **3.6 COMMUNITY SAFETY IMPLICATIONS**

3.6.1 The Council has a duty in accordance with S17 Crime and Disorder Act 1988, when exercising its functions, to have due regard to the likely effect of that exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social behaviour).

3.6.2 This duty has been considered and there are no community safety implications relating to the recommendations.

### **3.7 HEALTH AND WELLBEING IMPLICATIONS**

3.7.1 Children who attend education settings have full benefits of their learning environment, peer and community connections and relationships. These are evidenced to improve long term resilience, aspiration, and wellbeing.

### **3.8 ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS**

3.8.1 On 11 January 2021 Rutland County Council acknowledged that it was in a climate emergency. The Council understands that it needs to take urgent action to address it.

3.8.2 There are no environmental and climate change implications associated with the Recommendations.

### **3.9 PROCUREMENT IMPLICATIONS**

- 3.9.1 There are no procurement implications associated with the recommendations. Recommendations.

### **3.10 HR IMPLICATIOINS**

- 3.10.1 If the decision is made to close the school with effect from the end of the academic year, August 2024, there will be HR implications for those members of staff currently on the payroll of the Parks. As a Local Authority maintained school, the LA (Local Authority) will be responsible for ensuring all appropriate HR processes are followed for those members of staff.

## **4 BACKGROUND PAPERS**

- 4.1 There are no background papers to the report.

## **5 APPENDICES**

- 5.1 Appendix A: Consultation Responses
- 5.2 Appendix B: The Parks Special Needs Nursery Consultation Independent Review for Rutland County Council

An Accessible Version of this Report is available upon request – Contact 01572 722577.