

From: Patrick Leeson, Corporate Director for Education and Young People's Services

To: Roger Gough, Cabinet Member for Education and Health Reform
22 April 2015

Decision No: 15/00021

Subject: The Future of Furness School

Classification: Unrestricted

Past Pathway of Paper: Education and Young People's Services Cabinet Committee

Future Pathway of Paper: none

Electoral Division: Swanley & Hextable, Robert Brookbank

Summary: This report sets out the results of the public consultation on the proposal to close Furness School with effect from 31 August 2015.

Recommendation(s): The Cabinet Member for Education and Health Reform is asked to agree to:

- (i) Issue a public notice to discontinue Furness School,**
- (ii) and, subject to no objections not already considered, implement the proposal to close the School with effect from 31 August 2015,**
- (iii) and initiate the statutory consultation proposal process to establish a satellite provision of Broomhill Bank School on the Furness site from 1 September 2015**

1. Introduction

- 1.1 Furness School is a Special School in Hextable in the northern part of Sevenoaks District. It has a designation for 60 Key Stage 3 and 4 students with Autism Spectrum Disorder.
- 1.2 There is a small residential provision on site currently occupied by 8 students. At the time of writing the school has a total of 31 students on roll, of which 8 are Behavioural Emotional, Social Need (BESN) pupils.
- 1.3 The school is only 52% full. Despite increased numbers of students with Autism Spectrum Disorder (ASD), it is not a popular choice with parents, many of whom have declined offers of placements there for their children.

- 1.4 Several years of low numbers have created an environment where costs are higher than the available funding, meaning there is a budget deficit that will worsen every year. The cumulative deficit for Furness School will be £1.6m at this financial year's end. This is unsustainable.
- 1.5 The school was inspected by Ofsted in December 2013 and judged to be 'Requiring Improvement', following a period of the school being in special measures. During 2014, there were three progress reviews, all judging the school to still be requiring improvement.
- 1.6 In July 2012, the school's governing body was replaced by an Interim Executive Board (IEB) and the decision was taken not to admit any new students for the next year while the school consolidated and improved standards, behaviour and safeguarding. KCC entered into a contract with Lilac Sky Schools Trust to provide management and improvement support to Furness with the aim of Furness converting to Academy status within Lilac Sky and moving the school to a Good OFSTED judgement.
- 1.7 Subsequently Lilac Sky declined the option to sponsor Furness School as an Academy but continued to provide leadership support and back office support to the school.

2. Background

Financial Position

- 2.1 The primary reason for proposing closure of Furness School is the financial position, resulting from low pupil numbers and declining confidence on the part of parents. This budget deficit is aggravated by other factors such as the changes in the funding formula for Special Schools, the result of which is that Furness School has a budget deficit of £1.6m at the end of the 2014/15 financial year. The current costs of running the school significantly exceed the available income, which is unsustainable.
- 2.2 The national methodology for funding high needs students changed in April 2013, resulting in the majority of funding being linked to individual students and the months they are on the school roll. Previously, funding was allocated to Special Schools based wholly on the number of places available (regardless of the number of students actually attending). Place-led funding is now only guaranteed at £10,000 per annum per place. The remaining funding then fluctuates during the year dependent on the actual number of students on roll. The place funding equates to £10,000. The school then receives "Top Up Funding" for each student on roll which is the balance of funding between the individual total cost of the student and the £10,000. For an ASD day student the top up funding is in excess of £16,000 per annum.
- 2.3 For the financial year Special Schools are guaranteed an agreed number of places at £10,000 per place, and will receive this funding regardless of the actual numbers attending the school. Top Up funding, however, follows the

student in real time on a monthly basis. Therefore if the student leaves the Top Up funding will stop at the end of the same month.

- 2.4 Low numbers of students compared to the high staffing ratios that were retained to maintain and improve standards have contributed to the significant budget deficit. In addition, student numbers are not expected to increase, which would see the deficit becoming worse, year on year.
- 2.5 Furness School was closed briefly in 2013 due to unsafe behaviour by the students and the lack of capacity among the staff to manage this. At the time the school was designated for students with Behavioural, Emotional, Social Needs (BESN). This undoubtedly contributed to the perception of the school in the wider community. In 2014, the school was re-designated to offer 60 places to students with ASD, but it has proved difficult to change the perceptions of parents quickly.
- 2.6 The law allows parents a preference for a particular maintained school unless one of two strict caveats apply; or in a particular non-maintained special school where it represents an efficient use of the public purse and is necessary for the student to access education. Where the cost of the parent's preferred school is lower than the alternative proposed by the Council, its duty is to have regard for the parents' wishes. This means the parent's preferred placement is likely to be agreed. This, tied with the unpopularity of the school, means that not only are parents choosing other provisions, but the local authority cannot allocate places at Furness School.
- 2.7 **Capital** – (Premises) The Furness School building and the site is owned entirely by KCC. In the event that the school is closed, the site should be retained for educational provision. Figure 10.10 on page 50 of the [2015 – 2019 Kent Commissioning Plan](#) indicates a trend of increasing numbers of children with ASD. Paragraph 10.24 describes the need to increase the number of ASD places, both through Special School places and through mainstream schools that have developed expertise in supporting children with ASD. This proposal, the related proposal to establish a new satellite provision and the associated proposals at Hugh Christie Technology College and Wilmington Academy, would see a net increase in the number of ASD places in North and West Kent areas.
- 2.8 **Revenue** – The school is costing more to run than there is available through delegated funding. There is an accumulated budget deficit of £1.6m and this is expected to increase significantly, should the school remain open for another financial year. Furness School currently has twelve Year 11 students who will be leaving the school in July 2015. If less than twelve students accept a place at the school for September 2015, then the annual deficit will continue to increase.
- 2.9 Even before this proposal was first announced, there was very limited interest from parents, with no firm preferences being made for Furness for the coming school year. Since the proposal was announced, there have been two indications of interest. It is therefore, highly unlikely that there will be sufficient students accepting places at Furness to be able to reverse the budget deficit.

- 2.10 **Human** - The scale of reduction needed for the 2015/16 budget to be viable would further affect the school's ability to deliver the necessary improvements and to recruit and retain staff. If a decision to close is determined, then staff would be placed at risk of redundancy.
- 2.11 **Transport costs** – There will be an impact on the transport budget, but it is too early to say whether there would be an increase or decrease. Discussions between staff and students are underway to determine appropriate provision in other schools for the students if the proposal for school to close is agreed. Home to school transport will continue to be provided in accordance with Kent County Council's published policies with individual cases being considered on their merits.

School Standards

- 2.12 Furness School received an Ofsted judgement of Grade 4 "Inadequate" in all areas in May 2012.
- 2.13 Furness School was closed briefly in 2013 due to unsafe behaviour by the students and the lack of capacity among the staff to manage this. At the time the school was designated for students with Behavioural, Emotional, Social Needs (BESN).
- 2.14 The OFSTED inspection in December 2013 removed the school from special measures. Instead the school was judged to be 'Requiring Improvement' but inspectors did identify areas for further improvement. Leadership and management was judged as 'good' but all other areas were judged as 'requiring improvement'. The full report can be found on the Ofsted website www.ofsted.gov.uk
- 2.15 Student achievement required improvement because "not all learners have been able to catch up with where they need to be when they leave school." While some progress has been made on this, progress reviews identify this as an ongoing challenge.
- 2.16 Student safety and pastoral care were judged as strengths but the strategies to improve behaviour were "not always used to support their learning in class." Attendance overall continued to be an issue but student attendance at lessons had improved. Progress has been made in both these areas as noted by the LA monitoring visits with continued improvement being made.
- 2.17 Standards within the school continue to cause concern. During 2014, there were three progress reviews, all judging the school to still be requiring improvement.
- 2.18 The Department for Education (DFE) School Organisation Guidance for Proposers and Decision-makers (January 2014) states that the Secretary of State may direct a LA to close a maintained school requiring special measures under Section 68 of the Education and Inspections Act 2006. However, for Furness School, the primary reason to propose closure is that the school is financially and educationally not viable.

Student Numbers

- 2.19 Furness School was re-designated from BESD to ASD in 2014.
- 2.20 The number of young people entering the school each year is very small and these low numbers are not expected to increase within a reasonable timeframe. This is due to:
- the significant budget deficit which will cause a deleterious effect on the staffing and resources available.
 - the current Ofsted rating of 'requires improvement'.
 - the numbers of students and parents who have decided to take up places elsewhere, citing the poor reputation of the school.

Leadership Structure

- 2.21 Concern about the quality of education provided by the school led to KCC making a formal request to the Secretary of State for an Interim Executive Board (IEB) to be established. The IEB was approved and it is chaired by a National Leader of Governance.
- 2.22 The IEB and KCC appointed the Lilac Sky Schools Academy Trust to provide management support to Furness with the intention of moving the school to a Good OFSTED judgement. Under their leadership the school was removed from Special Measures. In 2014, with the agreement from the IEB, KCC re-designated Furness to be an ASD provision following a full public consultation.
- 2.23 Due to the severity of the budget position Lilac Sky withdrew their interest in sponsoring Furness School as an Academy, as they believed the school was no longer financially viable. They have, however, continued to provide leadership and management support to the school, on contract to KCC.

Students

- 2.24 This proposal has caused significant concern to parents and carers and students at Furness. The local authority initiated a comprehensive series of one-to-one meetings during February and March in which students and parents and carers were offered the opportunity to discuss options for the future, with their teachers. Following the one-to-one meetings, the Equality Impact Assessment was updated.
- 2.25 However, it is accepted by the local authority that there will always be students, of both Primary and Secondary age, who will need a place at a Special school in order for them to receive a satisfactory education.
- 2.26 As stated, at 2.7 above, the 2015 – 2019 Kent Education Commissioning Plan describes increasing numbers of children with ASD. The [KCC SEND strategy](#) illustrates the need to ensure that even as mainstream schools develop their SEN expertise in partnership with Special schools, there will also be a need for increased Special school places for the children and young people for whom mainstream is not appropriate to their needs.

- 2.27 KCC is working with Wilmington Academy and Hugh Christie Technology College to create two new Specialist Resourced Based Provisions, for students with ASD. The proposals are for the creation of a new Specialist Resource Base Provision for 50 students with ASD at Hugh Christie Technology College in Tonbridge, with up to 10 per year group, and a 15 place provision at Wilmington Academy in Dartford district.
- 2.28 KCC is required to inform parents so that they can make a fully informed decision for the place for their child. Therefore, if parents expressed a preference for Furness School for September 2015 entry, they were notified in writing about the proposal to discontinue Furness School. Those parents were reminded of their right to amend their preference until the 6th February 2015.

3. Consideration of an Alternative Solution

- 3.1 The local authority recognises the need to continue providing sufficient special school places for SEN pupils with ASD. This could be achieved by expanding another existing Special School while the existing Furness site could be used to provide a site and buildings for such an expansion. The Kent Association of Special Schools are strongly committed to sustaining sufficient special school places and have helpfully facilitated active consideration of an alternative solution should Furness Schools close.
- 3.2 What is clear from the consultation is that parents and students believe that there should be no break in the provision between July 2015 and the new term in September 2015.
- 3.3 Therefore the recommendation to Education Cabinet Committee is that the proposal to close Furness School is supported by a proposal to expand Broomhill Bank School utilising the Furness School site and buildings and to transfer the existing Furness pupils onto the roll of Broomhill Bank from 1 September 2015.
- 3.4 KCC Officers and the Governors and SMT of Broomhill Bank School have reached early agreement on this proposal. Broomhill Bank is a coeducational Foundation Special School, catering specifically for students with communication and interaction difficulties (C&I) who have a Statement of SEN and are likely to benefit from a place in a special school. Students eligible for places will probably have a diagnosis of autism, aspergers or other significant social communication difficulty, such as pervasive developmental disorder, and/or severe receptive or expressive language impairment or disorder.
- 3.5 Following an Ofsted inspection in December 2013, Broomhill Bank was judged to be a 'good' special school.
- 3.6 Broomhill Bank is already expanding over the next five years - from 80 students aged 11-19 (which includes up to 30 places in a Further Education Department) to 136 students - and the first two form year 7 entry started in September 2012.

- 3.7 The current designation of Broomhill Bank enables the school to meet the needs of the pupils currently attending Furness and to offer places for High Functioning ASD pupils in the future. However, Broomhill Bank is not currently designated for residential provision and so this would require a public consultation, which could be concluded before September 2015, to ensure this provision could continue on the Furness site.
- 3.8 The proposals are to:
- Expand Broomhill Bank to 210 pupils
 - Utilise the current Furness site as an extension/satellite of Broomhill Bank, for high functioning students with communication and interaction difficulties and ASD
 - Enable the existing students at Furness with high functioning ASD to continue to access the current specialist provision.
 - Continue to provide residential provision on the Furness site through redesignation of Broomhill Bank by carrying out a public consultation to secure this designation.
 - Broomhill Bank, in conjunction with KASS and KCC will introduce robust plan to market the School, identifying potential students to create a sustainable model on two sites.
- 3.9 The benefit of these proposals would be to enable children with high functioning ASD on the current Furness roll to continue to access specialist provision and ensure that future cohorts of children with high functioning ASD continue to have access to specialist provision in line with need and parental preference

4. Bold Steps for Kent and Policy Framework

- 4.1 This proposal will help to secure our ambition “to ensure every child will go to a good school where they make good progress and can have fair access to school places” as set out in ‘Bold Steps for Kent’.

Legal Implications

- 4.2 Under section 16(3) of the Education and Inspections Act 2006 a proposer of a school closure must have regard to any guidance issued by the Secretary of State. The current guidance ‘School Organisation Guidance for proposers and decision-makers (January 2014)’ published by the Department for Education (DfE) sets out the five stage statutory process for the discontinuance of a school.
- 4.3 Schedule 2 of The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 sets out the information which must be included in a proposal to close a school.

5. Consultation Outcomes

- 5.1 All applicable statutory requirements to consult in relation to this proposal have been complied with.
- 5.2 A public consultation was carried out by KCC from 4 February 2015 to 25 March 2015. A consultation document was produced together with an Equality Impact Assessment which can be obtained from KCC's website. The consultation document was distributed to statutory stakeholders, including but not limited to the following groups:
- The parents of all students attending Furness School, staff and governors
 - The Department for Education
 - The Diocese of Rochester, Canterbury and Southwark
 - Elected Members (Kent County Council, Sevenoaks District Council and Parish Councils)
 - Local MP
 - Trade Unions
 - Local Children's Centres and pre-school providers
 - Schools in the Sevenoaks area
 - National Association for Small Schools
 - Local Libraries in the area
- 5.3 All stakeholders were able to access copies of these documents on the KCC website. An opportunity to send in written responses using the response form and email was provided.
- 5.4 By the closure of the consultation period, 48 responses were received.
- 46 of the responses objected to the proposal.
 - 2 responses did not express either support or objection
 - None of the responses supported the proposal.

A summary of the responses received are provided at **Appendix 1**.

- 5.5 A Public Consultation meeting was held on 24 February from 4pm to 7pm at Furness School. A summary of the discussion is attached at **Appendix 2**. The meeting was recorded and copies of this recording were provided to individuals who requested it.
- 5.6 A Public Consultation meeting for parents was held on 5 March from 4pm to 6pm at Furness School. A summary of the discussion is attached at **Appendix 3**. The meeting was recorded and copies of the recording were given to parents who requested it.
- 5.7 Three petitions were handed in with a total of 293 names.
- 5.8 There has been considerable interest in the proposal through social media, including Facebook and various blogs. Responses made through social media

cannot form part of the consultation, although it can be mentioned that the overwhelming trend was of opposition to the proposal.

6. Views

Local Member Opinion

- 6.1 The Local Member for Swanley and Hextable Mr Robert Brookbank has said "As local member I have been aware of the proposal and advised constituents accordingly. The outcome of the consultation and the deliberations of the Education Cabinet Committee are awaited"

The Interim Executive Board

- 6.2 Since its inception, the IEB had sought to help the school to improve its quality of provision, and ensure it provided all students with at least a good education. Unfortunately the last visit from Ofsted HMI confirmed the IEB's own findings and the local Authority's view. The Board previously recommended closure of the School at the earliest opportunity and further endorses that decision.

The view of the Area Education Officer

- 6.3 The Area Education Officer for North Kent is of the view that this proposal is regrettably unavoidable insofar that the budget deficit will only worsen. This will impact on the amount of funding available for SEN provision elsewhere in Kent. KCC is working very hard to secure alternative and appropriate provision for the students at Furness School

View of the District Council

- 6.4 While KCC are stating that the proposed closure of Furness Special School is not a foregone conclusion, Sevenoaks District Council recognises that it may not be financially viable to keep the school open given the £1.6million budget deficit set out in the consultation papers and the low school roll numbers. The District Council would like to set out the following points for consideration:

We appreciate that there will be an option to transfer to new autistic spectrum (ASD) provisions at Huge Christie in Tonbridge or the Wilmington Academy, which will aim to integrate ASD pupils into the mainstream. However, we are concerned about the removal of Special School provision in West Kent, particularly as it doesn't have an equivalent of the oversubscribed provision for pupils on the autistic spectrum (ASD) at the Laleham Gap School in East Kent.

Other provision in the county identified by KCC is also oversubscribed; this includes unit provision (Tydeman at The Malling (West Malling), The Nick Hornby Centre at Meopham, Spectrum at Longfield and Special school provision at Broomhill Bank and Grange Park. In Sevenoaks this leaves New

School with other provision in Tonbridge (Meadows), Paddock Wood (Quest), Rochester (Trinity) and Bromley (Browns and Baston Schools).

We appreciated that the final notification of closure coincides with the term timetable published by KCC for term 6 (1 June -24 July). We support a consultation timeframe which enables pupils to complete their term and cause the minimum disruption.

Sevenoaks District Council wishes to emphasise the duty of care which KCC has towards pupils affected by the closure. This includes consideration and support of emotional and wellbeing issues which may arise from change in provision among ASD pupils. For parents, carers and pupils, we wish to stress the importance for transport provision to be considered on an individual pupil basis and to ensure that parents and carers are supported with additional transport costs.

We note and appreciate that parents and carers are being offered support to identify the most suitable provision for their child or child in their care. We would expect this support to be on a 1:1 basis.

We note that experienced staff who work at the school will be affected by the proposed closure. We would expect staff to be fully supported and consulted about redundancy. This involves ensuring that agencies such as Job Centre Plus are in a position to support staff as appropriate.

We would hope that KCC will continue to use the site for educational provision.

As part of our response, we asked Hextable Parish Council whether they wished us to include their response which is given below:

“Hextable does not have any pupils at the school but a couple of staff live in the village. It is with regret that the Parish Council is informed of the consultation regarding a possible closure of Furness School but not unexpected.

The Parish Council is publicising the consultation and members and residents are being encouraged to respond direct to the consultation. The front field of Furness School was once part of the village green and it is hoped this will be something that can be reinstated if the school closes.”

View of Kent Association of Special Schools (KASS)

- 6.5 The Kent Association of Special Schools (KASS) strongly believes that a Kent Special School provision should not be lost. However, KASS would support the proposed closure of Furness School on the understanding that the Local Authority, in partnership KASS, would support the expansion of another Kent Special School on the Furness site for high functioning ASD provision.

Following careful consideration of the consultation document, the Equality Impact Assessment and discussion with the Local Authority, KASS has made the following observations:

There has been significant capital investment in Special Schools in Kent, including Furness School, and this should not be lost for educational provision in the county. When the ASD provision at Furness was first created, it was to ensure this was part of the Local Authority's SEND strategy to complement the provision at Laleham Gap covering East Kent. There is well documented evidence that more specialist provision for ASD in Special schools and mainstream schools is required and this is set out in KCC's SEND Strategy. KASS would also wish to see resources spent on provision out of the county is invested in expanding provision in Kent schools, which is also a priority in the SEND Strategy.

7. Proposal

- 7.1 To close Furness School with effect from 31 August 2015 and initiate a statutory consultation proposal to establish a 60 place satellite provision of Broomhill Bank School on the Furness site from September 2015.
- 7.2 This proposal is in accordance with section 15(4), 16 (3) Education and Inspections Act 2006 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013.
- 7.3 This proposal is subject to KCC statutory decision making process and planning.
- 7.4 An Equality Impact Assessment (EQIA) has been completed as part of the consultation process. During the consultation period three respondents made reference to the EQIA. The Equality Impact Assessment has been updated in response to issues raised during the consultation. A copy is attached as **Appendix 4**.

8. Delegation to Officers

- 8.1 The Officer Scheme of Delegation; under Appendix 2 part 4 of the Council's Constitution, provides a clear and appropriate link between this decision and the actions needed to implement it. For information it is envisaged, if the proposal goes ahead, that the Director of Property & Infrastructure Support will sign contracts on behalf of the County Council.

9. Conclusion

- 9.1 The County Council, having taken into account the consultation responses, does not believe Furness School is viable because:
 - a) it has accumulated a budget deficit of £1.6m.
 - b) there is insufficient demand from parents expressing a preference for this school.
 - c) the school has being graded as 'Requires Improvement' since December 2013 and has not made good progress in improving the quality of education.

10. Recommendation(s)

Recommendation(s):

The Cabinet Member for Education and Health Reform is asked to agree a decision to agree to:

Issue a public notice to discontinue Furness School,

and, subject to no objections not already considered, implement the proposal to close the School with effect from 31 August 2015,

and initiate the statutory consultation proposal process to establish a 60 place satellite provision of Broomhill Bank School on the Furness site from 1 September 2015

11. Background Documents

- 11.1 Bold Steps for Kent and Policy Framework
http://www.kent.gov.uk/your_council/priorities_policies_and_plans/prioritiesand_plans/bold_steps_for_kent.aspx
- 11.2 Kent Commissioning Plan for Education Provision 2015-19
http://www.kent.gov.uk/_data/assets/pdf_file/0018/16236/Commissioning-plan-for-education-provision-in-Kent-2015-2019.pdf
- 11.3 Consultation Document and Equalities Impact Assessment
www.kent.gov.uk/schoolconsultations

12. Contact details

- 12.1 Report Author
Ian Watts, Area Education Officer – North Kent
Telephone: 03000 414302
Email ian.watts@kent.gov.uk
- 12.2 Relevant Director:
Kevin Shovelton, Director of Education Planning and Access
Telephone: 03000 416677
Email: Kevin.shovelton@kent.gov.uk