

Consultation information:

Statutory Notice on the Proposal for the Closure of The Cherry Trees Special School

04 December 2020



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Introduction

Notice is given in accordance with section 15 of the Education and Inspections Act 2006 (as amended by the Education Act 2011) and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 that Tower Hamlets Local Authority intends to discontinue The Cherry Trees Special School with effect from 31 August 2021.

Contact Details

Name and address of Local Authority publishing the proposal:

Tower Hamlets Council, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Name, address and category of school proposed to be closed:

The Cherry Trees Special School, 68 Campbell Rd, London, E3 4EA.

The Cherry Trees is a registered community special school that currently makes day provision for up to 26 boys age 5 – 11 with social emotional and mental health needs.

Implementation

Date on which it is proposed to close the school:

It is proposed to close The Cherry Trees School on 31st August 2021.

It is proposed to implement the closure as follows:

By the time the School is proposed to close, all but seven of the pupils will have completed their primary education and moved onto secondary school. Discussions are being held with the parent/carers of the seven remaining pupils to plan their transfer to alternative provision at a time appropriate to their needs and taking into account parental preference. (see **Appendix 1** for the stage one consultation).

Reason for Closure

The Cherry Trees is one of six special schools in Tower Hamlets. It makes provision for primary aged pupils with Social, Emotional and Mental Health (SEMH) Needs. All pupils have an Education, Health and Care Plan (EHCP). Pupils come from across Tower Hamlets and neighbouring boroughs. It occupies a small site in the Bow area.

The Cherry Trees School has in the past been a valued asset to the borough's provision for children with special educational needs and disabilities (SEND). It has previously been rated as outstanding by OFSTED. However, in recent times the school has underperformed and was placed in special measures following its most recent OFSTED Inspection in September 2019. In the period following the inspection, through the process of the Borough's SEND review and the development of its SEND Strategy, it has become evident that the specialist provision offered by Cherry Trees is no longer effective or fit for purpose. In addition, its number of pupils on roll has reduced to the extent that this already small School is no longer financially viable.

The Local Authority's ambition is to create a better, more inclusive, and sustainable education service for the future. It must therefore ensure that it has the right provision in the right place at the right time for all the borough's children. This is particularly relevant to children with special educational needs and disabilities (SEND).

The Local Authority is therefore now in the process of developing a new specialist and more inclusive provision, through the establishment of an SEMH Resource Base within Ben Jonson Primary School, in alliance with Bowden House Secondary SEMH School. This new provision, although not a direct replacement for Cherry Trees, will extend the range of options to meet the diverse needs of vulnerable children who academically are able to access a mainstream curriculum, albeit with significant modification, support and intervention. This supports the key principles of the SEND Strategy.

The Local Authority also needs to make best use of its finances. The Cherry Trees School is now very small and is not financially viable without significant transitional protection from the Local Authority. In the last year the Local Authority has had to allocate an additional £200,000 of transitional protection to the school to enable it to balance its budget. This subsidy is not sustainable and is not an effective use of resources.

Children with highly complex needs in specialist provision need additional help from professionals in health and social care. This is best provided where staff can work better together in a more integrated way. To be able to achieve this, Tower Hamlets needs to create economies of scale and this is not possible at a school with so few pupils.

Pupil Numbers and Admissions

There are currently ten pupils on roll at the School. This number has steadily declined over recent years as follows:

School Year	Commissioned Places	Actual Pupil Numbers
2015/16	26	22
2016/17	26	24
2017/18	26	24
2018/19	26	21
2019/20	26	19
2020/21 (current)	14	10

Displaced Pupils

The proposed timeframe of closure in August 2021 will mean that all except seven pupils will have completed their primary education. For the seven pupils who may remain on the school roll in July 2021, alternative suitable placements will be arranged as part of a personalised pathway, determined in full consultation with the families and over a carefully managed timescale. The Local Authority is acutely aware of the potential impact of the proposals on the stability of these pupils. It is therefore working with their parents /carers to develop a personalised plan for each pupil, to ensure that they get the support and services they need to be able to complete their transition successfully.

Impact on the Community

The provision for children in Tower Hamlets will not diminish as a result of the proposed closure of Cherry Trees. Thus, there will be sufficient capacity within other specialist provision across the borough to accommodate pupils with SEMH. These will be distributed across the new planned specialist facility at Ben Jonson Primary School, other special schools or, in exceptional cases, one of the independent providers in the surrounding area.

The Cherry Trees School has been a part of the community over the past 20 years and it is acknowledged that it has served its community well. However, the School does not currently provide additional services or use of its facilities for the wider community and there are a number of alternative facilities available for hire at other nearby locations. There will therefore be no loss of any enrichment clubs or programmes for local families.

Rural Primary Schools

Not applicable

Balance of Denominational Provision

Not applicable

Nursery Provision

Not applicable

Sixth Form Provision

Not applicable

Travel

Few of the Cherry Trees pupils live in the immediate locality and most travel to school on school bus transport from other parts of Tower Hamlets. There will continue to be travel across the Tower Hamlets area as the Local Authority (LA) is obliged to offer a school place appropriate to a child's need, when the most local provision is deemed unsuitable. Occasionally neighbouring LAs have sought a place for particular children following parental request. However, this necessitates a long home to school journey for these children.

Finances

When a special school closes its finances is returned to the Local Authority High Needs Funding Budget, including any surplus. However, this proposed closure is not a cost-cutting exercise as all money remains ring-fenced to children with SEN and disabilities.

The proposal for closure follows a strategic review, aimed at ensuring that money is spent to provide best value for all children. Best value cannot be achieved for Cherry Trees as its falling roll will require the Local Authority to provide financial protection to ensure that the School can remain open. It therefore forms part of a strategy to significantly reduce the annual spend on financial protection for schools with falling rolls who are otherwise not financially sustainable.

Procedure for Making Representations (objections and comments)

Within four weeks from the date of publication of this proposal any person may object to or make comments on the proposal by:

Email: school.organisation@towerhamlets.gov.uk

Post: School Organisation and Place Planning Manager
Pupil Services and School Sufficiency
Tower Hamlets Children and Culture
Town Hall
Mulberry Place
5 Clove Crescent
E14 5BG

Closing date for responses is 07 January 2021.

We will not be able to consider any responses received after this date. All responses received during the representation period will be published on the Council's website in late January 2021. The website address is:

<https://www.towerhamlets.gov.uk/Home.aspx>

Appendix 1

Consultation information:

First stage consultation feedback report on the proposal for the closure of Cherry Trees Special School

20 October 2020

Report compiled by Dr Helen Jenner, Independent Consultant, Tower Hamlets Primary Review.

The Proposal

Following advice from Tower Hamlets Local Authority, the governors of Cherry Trees School, have been pre-publication consulting on a proposal to close Cherry Trees School, from September 2021.

A review, and full consultation of, the Local Authority Special Educational Needs Strategy, recommended moving to different models of provision, which would better support academic attainment, and the inclusion of children in mainstream provision, whenever possible. In the Summer Term 2020 a primary SEMH implementation plan was shared with schools and they were invited to comment and to put forward expressions of interest for proposed new provision. The strategy particularly recommends improvements in links to quality mainstream provision, access to the full primary curriculum and a strategy approach which fully includes girls with SEMH needs.

Cherry Trees School is a special school, catering for primary age boys with social, emotional and mental health needs aged 3 to 11 and is part of the educational provision of the London Borough of Tower Hamlets. The school is located at 68, Campbell Road, London E3 4EA.

In September 2019 OFSTED considered the school to be inadequate in its provision of suitable education. The school is also in financial difficulty, despite receiving an income (2018/19) of £54,000 per pupil.

Cherry Trees School is an SEMH Primary Boys School. All the pupils have EHC Plans and because of this, individual work to discuss the children's needs as part of their Annual Reviews has been underway over the last year. The families of children attending Cherry Trees School have received individual support to consider how best to improve educational provision for their children. Including support for their children's transition to better provision, through reviews of Education, Health and Care Plans. Christine McInnes, Divisional Director Education and Partnership, met with parents and staff in March 2020, to ensure they were aware of the proposals.

As well as this individualised support, Cherry Trees Governing Board, in consultation with Tower Hamlets Children's Services agreed to commence the statutory pre-consultation process for the school to close by the end of August 2021.

This report provides a summary of the stage one consultation responses. It has been compiled by Dr Helen Jenner, an independent consultant. As well as summarising responses the report also makes suggestions on next steps for the school staff, governors and Local Authority to consider, to ensure they are responding to any concerns, issues and ideas raised by respondents.

Frequently Asked Questions produced from the responses is below. Copies of written responses are available at the school and should be retained for 12 months.

Pre-Consultation activities

A formal consultation document was produced and shared with staff, parents and other stakeholders. Comments and feedback were invited, on the document, between 14th September and 19th October 2020.

The document detailed the following opportunities for staff, parents and carers to share their views.

1. A response form (or any other written format) to record their views which could be posted to the school, hand delivered or emailed to office@cherrytrees.org
2. A box was provided in the reception of Cherry Trees School where anyone could leave comments, response forms and any questions.
3. Individual meetings were held with parents. Additionally, some parents were also contacted by the Home-School liaison team, who checked whether they wanted to meet to discuss the consultation document.
4. A meeting for staff was held on September 30th with zoom access for staff who could not attend in person. There was also the opportunity for staff to feedback to Helen Jenner via zoom, on October 1st.
5. Two open zoom sessions were available for any stakeholder (parents, staff community, other schools etc.) on October 1st at 3pm and 6pm.
6. School staff created appropriate ways of consulting with children on their views as part of their ongoing teaching.

Written responses

- 11 written responses were received
- 3 responses did not indicate the background of the respondent
- 3 were from parents/foster carers
- 1 current staff member
- 2 were from ex-staff members
- 1 ex – carer
- 1 local resident

All written respondents were not in support of the proposal to close the school and to relocate children to schools that will better meet their needs.

5 respondents confirmed they had seen the SEN Strategy, and 2 further responses indicated familiarity with the document. 4 respondents stated they had not seen the SEN Strategy. Whilst there is recognition of some of the issues identified in the strategy, some people felt it was written by people who did not understand children's needs, or recognize the work of Cherry Trees School and that it may not have been sufficiently widely consulted on. Some people were concerned that no alternative SEMH provision had been established, which could potentially lead to high cost placements in independent provision. The need to meet the needs of girls and provide a continuum of provision was recognised. Some people felt that a Primary PRU would be the answer.

Respondents raised a number of individual questions which are addressed in the attached Frequently asked Questions Document.

Governors, staff and the Local Authority should consider and respond to these questions and then make the document available to all stakeholders along with this Feedback Summary.

Key Issues raised during the consultation.

The FAQ document gives a more detailed summary of the issues and concerns of respondents, this section seeks to high light the key aspects from the responses. Several respondents expressed their appreciation for Cherry Trees staff and

recommended that they be closely involved with transition plans, including the potential of moving to new provisions alongside the children. Most respondents were keen to ensure the best possible transition for children currently attending Cherry Trees, and to secure new provision that was at least as good as the support they currently receive. It will be important for everyone to work together to ensure EHC Plans are fully able to be delivered at new provisions. Staff and parents are concerned that new provision for each child has not yet been established. The school leadership has been working with parents, local authorities, and other providers to ensure strong placements are available. The recent announcement of provision at Ben Jonson, supported by Bowden House needs to be widely communicated and discussed with the parents of all children for whom it would be appropriate. Some respondents remain concerned that there may not be sufficient SEMH Primary provision in the Borough. Parents and staff are not fully aware of the progress in expressions of interest for an integrated, higher-functioning, ASD provision in the Borough, linked to a mainstream primary school. Further communication with staff and parents about this would be helpful. A number of respondents raised concern about leadership, management and governance of the school over the last couple of years and whether an alternative route might have been possible. Circulating the SEN Strategy and SEMH implementation plan may help stakeholders to recognize that the decision is part of a strategic plan, not simply a reaction to an OFSTED report, although this would undoubtedly have exacerbated the challenges. At this stage in the Local Authority strategy and the school's history it does not seem appropriate or helpful to re-examine the past, I understand that the matters raised have been discussed previously. Staff are clearly anxious to support the children during transition but also concerned about their position, and exactly what the redundancy offer is. This should be fully explained in the FAQ response. This section is a summary of the issues raised. The range of issues have been collated using a standard coding methodology. More detailed issues are discussed in the FAQ.

Overall Recommendation

Responses show that there are still a number of concerns from all groups. None of the issues raised would present a reason not to progress to statutory notice, but further communication with all stakeholders will be important to aid understanding of strategy and ensure that parents, staff and children feel well supported. Early visits to potential new provision would greatly re-assure families. Each young person should have a clear transition plan before the Local Authority is able to take a final decision on whether, and when Cherry Trees School should close. This will be essential for ensuring the LA meets its statutory SEN duties. A formal school re-organisation staffing consultation process should be put in place, in preparation for consultation from March 10th if the decision is taken to close the school. In the meantime, staff should continue to be offered opportunities for training and secondment or redeployment, where appropriate. Management decisions to support these opportunities must continue to prioritise the needs of the boys and support for their transition. Given that alternative provision will be available within the Tower Hamlets Primary SEMH provision I can see no reason why statutory notices should not be posted.