

Lancashire County Council

Education Scrutiny Committee

Wednesday, 25th April, 2018 at 10.30 am in Cabinet Room 'C' - The Duke of Lancaster Room, County Hall, Preston

Agenda

Part I (Open to Press and Public)

No. Item

1. Apologies

2. Disclosure of Pecuniary and Non-Pecuniary Interests

Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

3. Call In Request: Proposed Closure of Hameldon Community College, Burnley (Pages 1 - 72)

4. Urgent Business

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

5. Date of the Next Meeting

The next scheduled ordinary meeting of the Committee is due to be held at 10.30am on Monday 25 June 2018 in Cabinet Room 'C' at County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Education Scrutiny Committee

Meeting to be held on Wednesday, 25 April 2018

Part I

Electoral Division affected:
All

Call In Request: Proposed Closure of Hameldon Community College, Burnley (Annex 'A' refers)

Contact for further information:

Josh Mynott, (01772) 534580, Legal and Democratic Services

Josh.mynott@lancashire.gov.uk

Executive Summary

On 12 April 2018, Cabinet received a report (as at Annex 'A') on the proposed closure of Hameldon Community College, Burnley. Cabinet:

- i. Considered the information in the report
- ii. Approved the proposal as detailed in the statutory notice to close Hameldon Community College, Burnley, with implementation commencing from 31 August 2018; and
- iii. Approved that an appropriate statutory decision letter be sent out, as specified under legal requirements, to give the reasons for the decision to those who are to be informed of them.

Following requests from seven County Councillors in accordance with the "Call In" procedures, the Chair of the Education Scrutiny Committee has called a meeting to consider calling in the decision.

Recommendation

In accordance with the Call In procedures contained in Procedural Standing Orders (Standing Order 23 and Appendix 3) the Committee is asked to consider:

1. Whether or not to request Cabinet reconsider the decision made on 12 April 2018 to approve the recommendations as set out in the report (as at Annex 'A').
2. If so, to determine the grounds on which the request is to be based.

Background and Advice

On 12 April 2018, Cabinet received a report on the proposed closure of Hameldon Community College, Burnley. Cabinet:

- i. Considered the information in the report
- ii. Approved the proposal as detailed in the statutory notice to close Hameldon Community College, Burnley, with implementation commencing from 31 August 2018; and
- iii. Approved that an appropriate statutory decision letter be sent out, as specified under legal requirements, to give the reasons for the decision to those who are to be informed of them. The report is set out at Annex 'A'.

On Tuesday 17 April 2018, the Chief Executive received a request, signed by seven County Councillors representing more than one single political group, for the Education Scrutiny Committee to consider whether that decision should be the subject of a Call In.

The request was received in accordance with Procedural Standing Orders from County Councillors Jeff Sumner, Lorraine Beavers, Nicki Hennessy, Jean Parr, Sobia Malik, Mohammed Iqbal and David Howarth. The decision cannot now be implemented until the call-in procedure is completed.

The reasons for this request as submitted by the above members are as follows:

'For the Overview and Scrutiny Committee to look at how the decision was reached and made'.

'The parent action group to save the school have provided information they believe demonstrates the process of consultation was not followed according to the rules'.

To assist the Committee, the Call In procedures contained in Procedural Standing Orders (Standing Order 23 and Appendix 3) are summarised below:

- Any five County Councillors representing more than one single political group may, within three days of a decision being published, request that a special meeting of the relevant Scrutiny Committee is convened to consider that decision.
- That the decision shall not be implemented until the Call In procedure is completed.
- A Scrutiny Committee may request that a decision made but not yet implemented be reconsidered by the Decision Maker, or request that the Full Council decide whether to ask the Decision Maker to reconsider.
- The Scrutiny Committee must decide at the meeting whether or not to exercise its Call In powers.

- Any such request for reconsideration shall include the grounds upon which the request is based.
- Once the Scrutiny Committee has determined to make such a request, the request and the grounds upon which it is based must be registered with the Chief Executive in writing within three clear working days of the Scrutiny Committee meeting.
- If a request is made the Decision Maker must then reconsider the decision having regard to the grounds upon which it is based. The Decision Maker can affirm, amend or rescind their decision.
- The Decision Maker shall publish their response to a request for reconsideration and the reasons for their decision by writing as soon as is reasonably practicable to the Chair of the relevant Scrutiny Committee.
- The Decision Maker can only be required to reconsider the same decision once.
- A Scrutiny Committee shall not exercise its functions;
 - (1) where the decision has been designated by the Decision Maker as being urgent in that any delay in its implementation could adversely affect the efficient execution of the County Council's responsibilities; or
 - (2) in respect of day-to-day management and operational decisions taken by officers.

Of particular relevance in the above provisions are the requirements that the Committee must determine at the meeting whether or not to request that the decision be reconsidered, and if so to determine the grounds upon which the request is based.

The Committee is required to meet within seven clear working days of the request to consider the Call In being received, and a special meeting has therefore been scheduled for Wednesday 25 April 2018.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no significant risk management implications arising from this item. However, the risk management and other implications associated with the decision are set out in Annex 'A' to this report.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
N/A	N/A	N/A

Reason for inclusion in Part II, if appropriate

N/A

Report to the Cabinet

Meeting to be held on Thursday, 12 April 2018

Report of the Interim Executive Director of Education and Children's Services

Part I

Electoral Divisions affected:
Burnley Central East; Burnley
Central West; Burnley North
East; Burnley Rural; Burnley
South West; Padiham and
Burnley West;

Proposed Closure of Hameldon Community College, Burnley

(Appendices 'A' to 'D' refer)

Contact for further information:

Ajay Sethi, Tel: 07810 268430, Head of Learning and Skills Service,
ajay.sethi@lancashire.gov.uk

Executive Summary

On 7 December 2017, Cabinet agreed to a statutory notice being published to begin a representation period on the proposed closure of Hameldon Community College, Burnley. A statutory proposal document was published in relation to the proposed closure of the school, with implementation commencing from 31 August 2018. The representation period took place from 16 January to 26 February 2018.

As part of the statutory process, a decision should now be taken about the proposal and this will be done by Lancashire County Council, which is the decision maker. If the authority does not make a decision within two months from the end of the consultation period, the proposal and any representations about the proposal must be passed to the schools adjudicator for a decision.

This is deemed to be a Key Decision and the provisions of Standing Order No. 25 have been complied with.

Recommendation

The Cabinet is asked to:

- (i) consider the information in this report;
- (ii) approve the proposal as detailed in the statutory notice to close Hameldon Community College, Burnley, with implementation commencing from 31 August 2018; and

- (iii) approve that an appropriate statutory decision letter be sent out, as specified under legal requirements, to give the reasons for the decision to those who are to be informed of them.

Background and Advice

The Governing Body of Hameldon Community College wrote to the local authority in March 2017, setting out their concerns in relation to the school meeting its statutory responsibilities, and they asked the local authority to consider the long term future of the school.

On 10 August 2017, Cabinet approved a stage 1 consultation on a proposal on the future of Hameldon Community College. The reasons for the proposal were concerns about the quality of current educational standards, the school's financial deficit position and pupil numbers. The consultation process highlighted a range of concerns should the school be closed. In the main, these related to the disruption to pupils' education, difficulties relating to travel, difficulties for pupils settling into a new school and the loss of a community asset. In addition, a number of suggestions had been made about securing the future of the school. These included requesting that the school be given another chance to improve, or rebranding and reopening the school as a vocational college. Following this consultation, the original issues and concerns held by the local authority in relation to Hameldon Community College remained valid.

On 7 December 2017, Cabinet gave approval for a stage 2 statutory notice to be published, and for a stage 3 representation period to be undertaken in relation to the proposal to close Hameldon Community College. The reasons for the proposal were the same as stage 1: concerns about the quality of current educational standards; the school's financial deficit position; and declining pupil numbers. The school has been below the Government's floor standards for educational attainment in three out of the past five years, and they are well below the new Progress 8 floor standard based on their 2016 performance. The latest published inspection of Hameldon Community College was in December 2017, when it was judged as Inadequate in all areas. The school was judged as Requires Improvement at its previous inspection. Since 2007, the inspection history of the school has been poor, being placed in a category of concern four times and it has never been judged to be good overall. The school has not found it possible to sustain the improvements made with additional support from the local authority.

As at March 2018, the pupil numbers stood at 197, compared to a capacity for 750 pupils. The financial position of the school has been in steady decline over the last four years and, as at 31 March 2017, their cumulative deficit balance was £2.2m, which is forecast to increase to a cumulative deficit of £2.5m by 31 March 2018.

Despite the efforts of the school and the support of the local authority, Hameldon Community College has been unable to make sustained improvements over time. This gives the local authority significant concerns that the school would not be able to make the necessary improvements to educational standards and attract sufficient

pupils to ensure they can operate a financially viable school. Therefore, the local authority must take action to address this and meet its statutory duty to secure high quality school places for its residents.

Closing a Maintained Mainstream School: Guidance and Process

There is a defined statutory process in the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, which must be followed before making a decision on the closure of a maintained school. This is supplemented by further guidance on the process published by the Department for Education. There are five statutory stages for a proposal of this nature and the local authority is now at stage 4. The stages and timescales are set out below:

Action	Start
Cabinet approval to consult	10 August 2017
Stage 1: Consultation on a proposal on the future of Hameldon Community College	11 September to 20 October 2017
Stage 1: Report to Cabinet on consultation and seek decision on whether to publish Statutory Notice	7 December 2017
Stage 2: Publish Statutory Notice	16 January 2018
Stage 3: Representation Period	16 January to 26 February 2018
Stage 4: Decision	12 April 2018
Stage 5: Implementation	From 31 August 2018

The Department for Education's statutory guidance, 'Opening and Closing Maintained Schools' (April 2016), states that proposers, in this case the local authority, must consult groups and individuals they feel to be appropriate. In line with this, the local authority published a stage 2 statutory notice and an accompanying proposal document on 16 January 2018, the first day of the stage 3 representation period. These documents were available on the Lancashire County Council website and were widely circulated to interested parties, such as Burnley Borough Council, parish councils, Lancashire county councillors for the district, neighbouring local authorities, other local schools and stakeholders. The school also made arrangements to share this information with parents, carers, staff and governors, to display the statutory notice and to include these documents on their website.

The following documents are presented for Cabinet's information and consideration as necessary:

Appendix 'A' - LCC's published statutory notice

Appendix 'B' - Matters to be specified in S15 proposals to discontinue school

Appendix 'C' - Factors to be considered by decision-makers

Appendix 'D' – Equality Analysis Toolkit

Factors Relevant to all Types of Proposal

Local authorities are under a statutory duty to ensure that there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. To help local authorities to meet their duties and restructure local provision, they have the power to close all categories of local authority maintained schools. Reasons for closing a maintained mainstream school include where it is surplus to requirements (for example there are sufficient places in neighbouring schools to accommodate displaced pupils) or where it is failing and there is no viable sponsored academy solution.

The Department for Education's statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals, published in April 2016, sets out a number of factors which must be taken into consideration for all types of proposal. These factors, and supporting comments, are set out in Appendix 'C'.

Conclusions

The stage 1 consultation asked respondents to select their preferred option for the future of Hameldon Community College, and the most popular option was to continue as things are, with 56% of non-pupils and 84% of pupils choosing this. Of the responses received during the stage 3 representation period, 83% objected to the proposal to close the school. However, it must be noted that the original issues and concerns held by the local authority in relation to the school remain valid and are supported by the latest inspection report which rated the school as 'Inadequate' in all areas. These issues and concerns are set out in the Cabinet reports dated 10 August 2017 and 7 December 2017, and are also in the consultation document. Despite the efforts of the school and the support of the local authority, Hameldon Community College has been unable to make sustained improvements over time. This gives the local authority significant concerns that the school is not able to make the necessary improvements to educational standards and attract sufficient pupils to ensure they can operate a financially viable school. Therefore, the local authority must take action to address this and meet its statutory duty to secure high quality school places for its residents.

The statutory guidance from the Department for Education, School Organisation: Maintained Schools, guidance for proposers and decision makers, provides factors which the decision maker must take into account when determining school closure proposals. The guidance states that:

- proposals to close a school and replace it with provision in a more successful and popular school should normally be approved, subject to the evidence provided; and
- there is a presumption that closure proposals (for schools causing concern) should be approved subject to checking that there are sufficient accessible places of an acceptable standard available to accommodate displaced pupils and to meet foreseeable future demand for places in the area.

If the decision is taken to close Hameldon Community College, the local authority will focus on ensuring parental preferences for alternative school places are met, where possible, and will work with the school to ensure stability in provision during the phased implementation commencing from 31 August 2018. The local authority will work with both Hameldon Community College and the receiving schools to ensure a smooth and successful transition for the pupils moving schools, with the aim being to maintain and improve educational standards for all pupils affected by the closure.

This report demonstrates that, on the basis of the Department for Education criteria, the decision maker is recommended to approve the proposal to close Hameldon Community College, with implementation commencing from 31 August 2018.

Implications:

This item has the following implications, as indicated:

Risk Management

The local authority has a statutory duty to secure high quality school places for its residents. A failure to address the decline in educational standards, falling numbers and consequent concerns around the future educational viability of the school runs the risk of the authority being seen by Department for Education and Ofsted to be failing in its statutory responsibilities. Alternative school places can be secured for current pupils affected by the proposed closure. The local authority, working with the Regional Schools Commissioner, will work with existing schools in the area to identify solutions for the provision of sufficient places to accommodate future growth in the area. Depending on the preferred options, this may require future statutory consultation and would form the basis of future reports to Cabinet.

There are implications for staff employed in the school but the authority has experience in staff redeployment and retraining and a good record in avoiding compulsory redundancies. Currently, approximately half of the teaching staff, including the senior management of the school, are supply agency employees on a daily supply rate or temporary.

Financial Implications

When a school is closed by an authority, any balance (whether surplus or deficit) reverts to the local authority as a whole. The local authority cannot transfer a closing balance to an individual school, even when that school is a successor to the closing school, except that a surplus or deficit transfers to an academy where a school converts to academy status under section 4(1)(a) of the Academies Act 2010.

Current Education and Skills Funding Agency guidance states that any deficit balance on a closing school is the responsibility of the local authority. The Lancashire Schools' Forum has an established reserve for strategic school deficits. The local authority will continue to receive Dedicated Schools Grant funding for the pupils when they relocate to new schools within the county.

When a school closes, pupils are offered alternative provision at a nearby school and the accepting schools are funded for those pupils in the following year. This is the normal process provided for schools as agreed by the local authority and the Lancashire Schools Forum and is within the Department for Education regulations.

When the number of incoming pupils to a new school is small, this does not represent a significant financial issue for the accepting school. However, the financial impact is more significant when a school is accepting a larger group of new pupils and the local authority will work with individual schools to ensure the general financial viability in the area is not compromised. The local authority has recent experience of dealing with a similar situation when Glenburn High school was closed in 2016.

In addition to the above, the school premises were built as one part of the phase 3 Building Schools for the Future project that was funded via Private Finance Initiative. This means that there are risks associated with the financing of the current annual Private Finance Initiative contract of up to £4.1m if the premises do not remain in use for educational purposes for the remaining 14 years of the contract.

Equality and Diversity

A full Equality Analysis has been completed and is set out at Appendix 'D'.

List of Background Papers

Paper	Date	Contact/Tel
-------	------	-------------

None

Reason for inclusion in Part II, if appropriate

N/A

Hameldon Community College

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that Lancashire County Council, PO Box 100, County Hall, Preston, PR1 0LD intends to close Hameldon Community College, Coal Clough Lane, Burnley, BB11 5BT, on 31 August 2019, with implementation commencing from 31 August 2018.

There is sufficient capacity in other local schools to accommodate the current pupil population. Pupils in Year 11 will be unaffected by any school reorganisation as they will have left school by the time any proposals are implemented. Pupils in Year 10 will be given the opportunity to remain on roll at Hameldon Community College to complete key stage 4 and leave 11-16 provision in August 2019. Please note that the Year 10 pupils who opt to do this would be kept together as a group, but may not be educated on the current site of Hameldon Community College.

The proposal arises because of serious concerns about the quality of current educational standards, the school's financial deficit position and declining pupil numbers.

The local authority's opinion is that this proposal is not related to any other proposals that have been, are, or are about to be published. This Notice is an extract from the complete proposal. Copies of the complete proposal can be inspected at Hameldon Community College at the address above; at Lancashire County Council's Chaddesley House office; at the Area Education Office (East) at the address in the notes below; at Burnley Borough Council office; and local libraries. Copies can be obtained from Sarah Hirst in the Learning and Skills Service, Room C24, PO Box 100, County Hall, Preston, PR1 0LD. Copies can also be accessed through <http://www.lancashire.gov.uk/council/performance-inspections-reviews/children-education-and-families/school-organisation-reviews.aspx>.

Any person may object to or make comments on the proposal by posting them to Sarah Hirst at the above address. Responses can also be emailed to sarah.hirst@lancashire.gov.uk. To be considered as part of the decision making process to determine the proposal, responses must be received no later than 26th February 2018.

Signed: Laura Sales, Director of Legal and Democratic Services
Publication Date: 16 January 2018

Explanatory Notes

Under the provisions of the Freedom of Information Act 2000, information about representations to the published proposal may be accessed by members of the public.

www.lancashire.gov.uk



All forms of responses to the consultation were taken into account before the publication of this notice.

The Authority will need to decide whether to implement the proposal before 26 April 2018, otherwise it must be referred to the Adjudicator for a final decision.

Assistance with admission to schools can be obtained from the Pupil Access Team at the Area Education Office (East), 44 Union Street, Accrington, BB5 1PL.

MATTERS TO BE SPECIFIED IN SECTION 15 PROPOSALS TO DISCONTINUE A SCHOOL

Extract of Schedule 2 to The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2013 (as amended):

Contact details

1. The name and contact address of the local authority or governing body publishing the proposals and the name, address and category of the school it is proposed that should be discontinued.

The proposal to close Hameldon Community College, Coal Clough Lane, Burnley, BB11 5BT is published by Lancashire County Council, the relevant local authority. Hameldon Community College is a community school. The local authority can be contacted at the following address: Learning and Skills Service, Room C24, PO Box 100, County Hall, Preston, PR1 0LD.

Implementation

2. The date on which it is proposed to close the school or, where it is proposed that the closure be implemented in stages, the dates of and information about each stage.

It is proposed to close the school on 31 August 2019, with implementation commencing from 31 August 2018. It is proposed to phase the closure of the school to minimise the impact on pupils. The table below sets out the proposed transition plan should a final decision be made to close Hameldon Community College:

Current year group	Movement of Pupils
Year 7	Will move to other local schools in September 2018 to continue Key Stage 3
Year 8	Will move to other local schools to complete Key Stage 3 in September 2018
Year 9	Will move to other local schools in time to start Key Stage 4 and GCSE options in September 2018
Year 10	Will be given the opportunity to remain on the roll at Hameldon to complete Key Stage 4 and leave 11-16 provision in August 2019
Year 11	Will remain on the roll at Hameldon to complete Key Stage 4 and leave 11-16 provision in August 2018

In this way, the pupils that will be directly affected by any closure of Hameldon Community College would be those in current year groups 7, 8 and 9, who would need to move to an alternative school for September 2018. The current year group 11 will be able to remain at the school until they complete their key stage 4 education and take their GCSEs. Arrangements will also be made for pupils currently in Year 10 to remain on roll at Hameldon Community College to complete their key stage 4 education, take their GCSEs and leave 11-16 provision in August 2019. Please note that the Year 10 pupils who opt to do this would be kept together as a group, but may not be educated on the current site of Hameldon Community College. Should the proposal be approved, the local authority will ensure that intensive support continues to be provided to the school with the aim of ensuring that the pupils who remain on roll receive a quality education and are not disadvantaged by the impact of closure.

Reason for closure

3. A statement explaining the reason why closure of the school is considered necessary.

The reasons for the proposal are concerns about the quality of current educational standards, pupil numbers, and the school's financial deficit position.

Educational Attainment

The educational standards achieved by pupils at Hameldon Community College have been variable over the past five years and have only been above the Government's minimum standard in two of these years. In 2015, 36% of pupils gained 5 or more good GCSEs, including English and maths. In 2016, this situation deteriorated further, with only 21% of pupils gaining 5 or more good GCSEs, including English and maths. In addition, the school is also below the new 2016 'Progress 8' floor standard, placing the school in the bottom 3% nationally. Initial unvalidated data suggest there has been no improvement in the school's results in the 2017 exams.

Whilst it is acknowledged that a high proportion of pupils at the school are from disadvantaged backgrounds, their progress does not reach the Government's minimum requirement and does not currently compare well against other Lancashire schools with pupils of similar ability.

The table below shows the educational standards at all secondary schools in the area:

School	Progress 8		Attainment 8	% pupils obtaining A*-C GCSE grades in English and maths (Grade 4+ in 2016/17)				Ofsted Grade
	Score	Significance	Score	2013/14	2014/15	2015/16	2016/17	
Hameldon	-0.85	Significantly Low	35.1	56	42	30	(24)	Inadequate
Sir John Thursby	0.23	Significantly High	49.3	37	48	48	(59)	Good
Burnley High School	Not applicable as no pupils in Key Stage 4 yet							Good
Unity College	-0.15	Not Significant	47.2	44	44	56	(65)	Good
Blessed Trinity	-0.04	Not Significant	50.1	57	64	62	(58)	Good
Shuttleworth	-0.52	Significantly Low	40.9	41	37	46	(55)	Requires Improvement

The small size of the school and the extent of the financial challenge add considerably to the difficulty in making the necessary rapid improvements in education outcomes required to meet the Government's targets.

Despite the efforts of the school and the support of the local authority, Hameldon Community College has been unable to make sustained improvements over time and now these circumstances require the local authority to consider its future. The school is no longer in a position to provide an acceptable standard of education and is unable to deliver the required curriculum. In addition, due to the problems which the school has had in recruiting and retaining permanent teachers over many years, it is expected that the overall quality of teaching the students will receive after moving to other schools will improve.

Inspection Outcome

The latest published inspection of Hameldon Community College was in December 2017 when it was judged as Inadequate in all areas. Since 2007, the inspection history of the school has been poor, being placed in a category of concern four times and it has never been judged to be good overall. The school has not found it possible to sustain the improvements made with additional support from the local authority.

With regard to the education standards across the other state-funded secondary schools in Burnley, as judged by Ofsted, four are deemed to be 'Good' and one is deemed to be 'Requires Improvement'. This is Shuttleworth College, which is currently on track to be judged 'Good'.

Pupil Numbers and Parental Preference

The number of pupils attending Hameldon Community College has been falling for some years. It has experienced a 14% decline in the numbers on roll and a 34% decrease on intake into Year 7 over the last five years. As at the October 2017 School Census, the pupil numbers at the school were 216, compared to the capacity for 750.

The school is currently 70% empty and this looks set to continue as only 36 pupils expressed a first preference for joining the school in September 2017, falling from a high of 91 pupils in 2013. There are between 88 and 123 places left unfilled in each year group at the school, as at the October 2017 School Census.

As a result of the consultation which took place from 11 September to 20 October 2017, all parents who had expressed a preference for a place for their child at the school from September 2018 have been asked to put forward a further preference for another school, with the local authority providing support for pupils and parents in making the transition to another school.

The local authority's pupil projections take into account the number of pupils moving in to and out of the area (known as migration) as well as additional pupils resulting from new housing developments. Any new housing that is expected to come forward within five years has been included in the pupil projections for the Burnley area. The overall decline in pupil numbers across Burnley has started to reverse and there have been increases in the total number on roll in all but two schools in the area in recent years. This growth is expected to continue based on information contained within the Burnley Local Plan.

If Hameldon Community College were to close, there is sufficient capacity in other local schools to accommodate the current pupil population. However, without the capacity at the school, it is forecast that there will be a shortfall of 444 places in five years, taking account of the impact of planned housing and current levels of migration. Additional physical capacity will be required to accommodate these pupils, either in the existing school building or by the expansion of other schools. This capacity starts to be required from September 2018, when the total number on roll exceeds the current net capacity of all other secondary schools in Burnley.

Pupil numbers on roll in each year group as at the October 2017 School Census, together with the published admission numbers (PAN) and physical net capacities of the schools, were as follows:

School	Type	Number on Roll as at October 2017 School Census						PAN in 2018	Net Capacity
		Y7	Y8	Y9	Y10	Y11	Total		
Hameldon	C	27	45	39	43	62	216	150	750
Sir John Thursby	FT	216	227	212	212	201	1068	225	1125
Burnley High School	FS	120	91	87	46	0	344	90	450
Unity College	FT	251	250	217	202	191	1111	240	1200
Blessed Trinity	VA	266	264	258	256	245	1289	250	1290
Shuttleworth	FT	152	153	137	129	158	729	210	1050
Total		1032	1030	950	888	857	4757	1165	5865

(C = Community; FT = Foundation Trust; FS = Free School; and VA = Voluntary Aided)

There is evidence that schools with a small number of pupils may experience challenges in providing diversity within the curriculum as school budgets are largely determined by the numbers of pupils on roll. Schools with falling pupil numbers are unable to maintain the same staffing levels, so the choice of subjects may be affected and there may be challenges around staff recruitment and retention. This can lead to lower pupil attainment as measured by Ofsted and GCSE results, which often results in lower pupil admissions to Year 7 and leads to an even further reduced budget in the following year. Once schools find themselves in this cycle, it is very difficult for the situation to be reversed unless there is a rapid and significant increase in pupil numbers across the whole area.

Staffing

Recent staffing cuts made in an attempt to curb the increase in the school's significant budget deficit mean that the school does not, in the local authority's opinion, have the capacity to make the required improvements. The school continues to struggle to recruit and retain good teachers, particularly in subjects such as mathematics, and is currently reliant on a disproportionate number of supply teachers to fill staffing gaps. Currently, a third of the staff in the school are either temporary or employed on a supply basis and this has impacted on the curriculum they are able to offer, the quality of teaching, pupil behaviour and, inevitably, upon educational outcomes.

Following the retirement of the Headteacher in August 2016, and bearing in mind the school's budgetary position and uncertainty over its future, an attempt to recruit a permanent replacement Headteacher has been deferred as it is highly unlikely that governors would be able to recruit someone with the experience and quality that the school requires. A new Acting Headteacher is currently in place at the school, with a commitment to remain in post until the future of the school is determined and permanent arrangements can be made.

Financial Viability

With regard to their financial position, the school has been running a large deficit for a number of years and a significant amount of time and professional resources have been allocated to this school by the local authority. By law, schools must set a balanced budget. Unfortunately, the school is not able to set a balanced budget, which means that it is no longer financially viable.

As at 31 March 2017, the school held a cumulative deficit balance of £2.2m which is forecast to increase by £0.3m in the current 2017-18 financial year, taking the overall cumulative deficit to £2.5m. The current 3 year forecast for the school indicates that this cumulative deficit is likely to exceed £3.8m by March 2020. The financial position of Hameldon Community College has been in steady decline over the last 4 years, with annual deficits forecast to increase from 2016-17 onwards.

Consultation

The stage 1 consultation period ran from 11 September to 20 October 2017. During the consultation period, a total of 124 responses had been received by non-pupils, such as staff, parents, governors and members of the community. The school undertook a consultation with its pupils and 108 responses were received as a result of this. In addition, a consultation event was held at the school on 11 October 2017. At this event, 29 appointments took place, with 43 interested parties in attendance.

Conclusion

The local authority has concerns that Hameldon Community College is not able to implement and sustain the required improvements in standards. Taking into account the small and reducing number of pupils, the challenging nature of the intake resulting from parental preferences and the pattern of low attainment and progress, it is unlikely that the school will be able to implement and sustain continued improvement over time. It is considered that the school will continue to experience significant challenges in providing a good quality of education, as defined by the current inspection framework. There are also concerns that the school will be unable to deliver an appropriate secondary curriculum, of sufficient range and breadth of subjects and with appropriate specialist teachers, to all levels of pupils, across all key stages.

As evidenced from the information above, the status quo position is untenable given the educational standards, pupil numbers and financial deficit. The local authority has a statutory duty to secure high quality school places for its residents. A failure to address the decline in educational standards, falling numbers and consequent concerns around the future educational viability of the school runs the risk of the authority being seen by the Department for Education (DfE) and Ofsted to be failing in its statutory responsibilities. Alternative school places can be secured for current pupils affected by the proposed closure.

Pupil numbers and admissions

4. The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is currently made at the school.

Hameldon Community College is a co-educational day secondary school, providing for pupils of all abilities. The published admission number of the school is 150 and the physical (net) capacity of the school is 750. As at the October 2017 school census, there were 115 male and 101 female pupils aged between 11 and 16 on roll.

A Hearing Impairment Special Educational Resource Facility (SERF) is located at Hameldon Community College. This provides additional resourced provision for up to 18 students with hearing impairments. In September 2017, there were five pupils within the SERF. During the Stage 1 consultation process, two of these pupils expressed a preference to move school and the Special Educational Needs and Disabilities (SEND) Service at the local authority accommodated these moves. The three remaining pupils in the SERF are all from within the east geographical area of Lancashire.

In 2017, the national figures for SEND showed that 2.8% of children had an Educational Health and Care Plan (EHC Plan) or a Statement and 11.6% had identified special educational needs or disabilities without an EHC Plan or a Statement. The statistics at Hameldon Community College are as follows:

	January 2017	January 2016	January 2015	January 2014	January 2013
SEND with EHC Plan or Statement	3.7%	3.1%	5.4%	3.5%	3.7%
SEND without EHC Plan or Statement	31.7%	28.8%	29%	23.2%	21.8%

Displaced pupils

5. A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.

Pupil numbers on roll in each year group as at the October 2017 School Census, together with the published admission numbers (PAN) and physical net capacities of the schools, were as follows:

School	Number on Roll as at October 2017 School Census						PAN in 2018	Net Capacity
	Y7	Y8	Y9	Y10	Y11	Total		
Hameldon	27	45	39	43	62	216	150	750
Sir John Thursby	216	227	212	212	201	1068	225	1125
Burnley High School	120	91	87	46	0	344	90	450
Unity College	251	250	217	202	191	1111	240	1200
Blessed Trinity	266	264	258	256	245	1289	250	1290
Shuttleworth	152	153	137	129	158	729	210	1050
Total	1032	1030	950	888	857	4757	1165	5865

If Hameldon Community College were to close, there is sufficient capacity in other local schools to accommodate the current pupil population. However, without the capacity at the school, it is forecast that there will be a shortfall of 444 places in five years, taking account of the impact of planned housing and current levels of migration. Additional physical capacity will be required to accommodate these pupils, either in the existing school building or by the expansion of other schools. The need for additional places in Year 7 starts to be required from September 2018, when the projected Year 7 intake exceeds the combined admission number of all other secondary schools in Burnley. The need for additional capacity is then required as the total number on roll exceeds the total net capacity of the existing schools in September 2019.

The forecast requirement for secondary school places in Burnley over the next five years can be seen in the table below:

Autumn 2017 Forecast Data and 2016 Housing Land Supply	Pupil Places
Net capacity of Burnley secondary schools (11-16 capacity)	5865
Current number of pupils on roll, as at September 2017	4757
Projected number on roll in 5 years, excluding housing and migration impact	5465
Projected number on roll in 5 years, including housing and migration impact	5559
Surplus places in Burnley in 5 years, including housing and migration	306
Surplus places in Burnley in 5 years, excluding 750 place capacity at Hameldon Community College	-444

6. Details of the schools or further education colleges at which pupils at the school to be discontinued will be offered places, including:
- any interim arrangements;
 - the provision that is to be made for those pupils who receive educational provision recognised by the local authority as reserved for children with special educational needs; and
 - in the case of special schools, the alternative provision made by local authorities other than the authority which maintains the school.

There is a wide diversity of secondary school provision in the Burnley district comprising one community school; three foundation (trust) schools; one voluntary aided Catholic school; and one free school. Education standards, as judged by Ofsted, range from 'Good' to 'Inadequate' and, as at the October 2017 School Census, pupil numbers range from below 220 in the smallest school to almost 1,300 in the largest. It should be noted that the free school only has four year groups at present, having only been established in 2014.

- It is proposed to phase the closure of the school to minimise the impact on pupils. The table below sets out the proposed transition plan should a final decision be made to close Hameldon Community College:

Current year group	Movement of Pupils
Year 7	Will move to other local schools in September 2018 to continue Key Stage 3
Year 8	Will move to other local schools to complete Key Stage 3 in September 2018
Year 9	Will move to other local schools in time to start Key Stage 4 and GCSE options in September 2018
Year 10	Will be given the opportunity to remain on the roll at Hameldon to complete Key Stage 4 and leave 11-16 provision in August 2019
Year 11	Will remain on the roll at Hameldon to complete Key Stage 4 and leave 11-16 provision in August 2018

In this way, the pupils that will be directly affected by any closure of Hameldon Community College would be those in current year groups 7, 8 and 9, who would need to move to an alternative school for September 2018. The current year group 11 will be able to remain at the school until they complete their key stage 4 education and take their GCSEs. Arrangements will also be made for pupils currently in Year 10 to remain on roll at Hameldon Community College to complete their key stage 4 education, take their GCSEs and leave 11-16 provision in August 2019. Please note that the Year 10 pupils who opt to do this would be kept together as a group, but may not be educated on the current site of Hameldon Community College.

All parents who had expressed a preference for a place for their child at the school from September 2018 have been asked to put forward a further preference for another school, with the local authority providing support for pupils and parents in making the transition to another school. Parents are free to express a preference for a place at another school at any point and under any circumstances. Any such request would be dealt with as normal in-year admissions.

- b) The Special Educational Resource Facility (SERF) located at Hameldon Community College is commissioned by the local authority through the Schools Forum High Needs Block funding. A Suitability and Sufficiency study is currently being undertaken with all of the special schools, SERFs and short stay schools in Lancashire. The draft report will be produced by the end of March 2018 and a consultation will take place with stakeholders and partners. During this period, the local authority's SEND Service will continue to work with the three young people and their families remaining at the Hameldon SERF to identify an alternative provider to meet their special educational needs.
- c) Not applicable.

7. Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

The 'Displaced pupils' section above confirms that there are sufficient places at neighbouring schools to admit the current pupils from Hameldon Community College. The local authority will endeavour to secure places in accordance with parental preferences wherever possible. If necessary, the local authority will negotiate with schools to admit above their published admission number in order to satisfy parental preference.

Impact on the community

8. A statement and supporting evidence about the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact.

The local authority recognises that the closure of a school can impact on the wider community.

The vast majority of, if not all, schools provide community activities and/or facilities and, if a school is closed, these are normally provided by other schools or are picked up by other organisations in the area.

Hameldon Community College has a range of facilities which are available for use by the local community or businesses, such as sporting and recreational facilities as well as meeting rooms and function facilities. During the 2017 calendar year, 13 different groups have used the community facilities at the school in the evenings. The facilities being used are as follows: dance studio, sports hall, all weather pitch and grass football pitch. The activities being undertaken have included football, netball, rounders and cricket. The facilities are available for use by the community from Monday to Friday, between 4.30pm and 9.00pm. It is noted that the facilities are used extensively during the period October to April. However, usage reduces during April to September as local grass football pitches can be used free of charge.

The community facilities at Hameldon Community College are easily accessible for all families in the area, including those who rely on public transport. However, in order to retain the facilities at the school they would need to be completely self-funding and self-managing. If any such organisation wishes to inherit the facilities as a community asset it would need to be on the basis that they were operated without the need for revenue funding from either the Borough or the County Council. If Hameldon Community College

is closed, the community facilities will be unavailable from the point at which the closure takes place.

Rural Primary Schools

9. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15, a statement that the local authority or the governing body (as the case may be) considered section 15(4):

N/A

Balance of denominational provision

10. Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

N/A

Maintained nursery schools

11. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out:

- a) the local authority's assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- b) the accessibility and convenience of replacement provision for local parents.

N/A

Sixth Form Provision

12. Where the school proposed to be discontinued provides sixth form education, the effect for 16 to 19 year olds in the area that closure will have in respect of:

- a) their educational or training achievements;
- b) their participation in education or training; and
- c) the range of educational or training opportunities available to them.

N/A

Special educational provision

13. Where existing provision that is recognised by the local authority as reserved for pupils with special educational needs is being discontinued, a statement as to how the local authority or the governing body (as the case may be) believe the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

The Special Educational Resource Facility (SERF) located at Hameldon Community College is a commissioned by the local authority through the Schools Forum High Needs Block funding for 18 places. There are currently three pupils within this facility.

The SERF is led by a specialist Teacher of the Deaf, supported by other colleagues and external agencies trained to meet the individual needs of these young people. The three hearing impaired students are fully included in the life of the school, attending the majority of their lessons in mainstream classes and being full members of a tutor group.

A Suitability and Sufficiency study is currently being undertaken with all of the special schools, SERFs and short stay schools in Lancashire. The draft report will be produced by the end of March 2018 and a consultation will take place with stakeholders and partners. During this period, the local authority's SEND Service will continue to work with the three young people and their families remaining at the Hameldon SERF to identify an alternative provider to meet their special educational needs.

Travel

14. Details of the length and journeys to alternative provision.

The closest alternative schools measured by walking distance from Hameldon Community College are:

Burnley High School	2.0 miles
Blessed Trinity RC College	2.2 miles
Shuttleworth College	2.2 miles
Unity College	2.4 miles
Sir John Thursby Community College	3.1 miles

Eligibility for home to school transport is measured from the child's permanent home address to school so the above distances are only a guide as to the possible distances. The local authority will provide transport assistance to the following groups of pupils who live in Lancashire and attend Hameldon Community College at the time that their year group is scheduled to move to another school:

- Pupils who live over 3 miles* away from the school they move to provided it is their nearest suitable school
- Pupils who live over 3 miles* away from their allocated school even when it is not their nearest suitable school (this is an exception to current policy)

*For those pupils from low income families (these are pupils who are eligible for free school meals or the parents are receiving the maximum amount of working tax credit) then travelling expenses will be awarded where the school they move to is one of their three nearest schools from their home and the distance from home to the school is between **two** and six miles.

If parents want local practical advice on school transport, they can contact the East Area Pupil Access team on 01254 220708.

In addition, free transport must also be provided where walking routes are not suitable, regardless of the distance from home to the nearest school.

15. The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will mitigate against increased car use.

It is likely that this proposal will lead to an increased use of transport, although it is difficult to provide an estimate for this increase as it depends on the alternative schools chosen by parents.

Where transport is provided by the local authority, the type of transport provided is at our discretion. If your child is entitled to free transport to and from school, the local authority will normally provide them with a travel pass for a bus service, a contracted vehicle, such as a coach or minibus, or a railway service. In exceptional circumstances, a taxi may be provided.

Hameldon Community College

Factors to be considered by decision-makers when deciding prescribed alteration, establishment and discontinuance proposals

The Department for Education's (DfE) statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals, published in April 2016, sets out a number of factors which must be taken into consideration for all types of proposal. These factors are set out below, along with a supporting comment.

Related proposals

DfE guidance: Any proposal that is 'related' to another proposal must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

Comment: This is a stand-alone proposal and is not reliant on the outcome or implementation of another proposal. The local authority's opinion is that this proposal is not related to any other proposals that have been, are, or are about to be published.

Conditional approval

DfE guidance: Decision-makers may give conditional approval for a proposal subject to certain prescribed events. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

Comment: It is not anticipated that the decision-maker will set any conditions in relation to the approval of this proposal.

Publishing decisions

DfE guidance: All decisions (rejected and approved – with or without modification) must give reasons for such a decision being made. **Within one week** of making a decision, the decision-maker should arrange (via the proposer where necessary) for the decision and the reasons behind it to be published on the website where the original proposal was published. The decision-maker must also arrange for the organisations listed to be notified of the decision and reasons: the governing body/proposers (as appropriate); the trustees of the school (if any); the local Church of England diocese; the local Roman Catholic diocese; any other organisation that they think is appropriate; and the Secretary of State (in school opening and closure cases only).

Comment: Arrangements are in place to ensure that the decision will be communicated to interested parties within one week of the decision being made. This will be done via the school organisation website, where the original proposal was published, and also by sending a letter to specific individuals or organisations, such as those stated in the guidance, local councillors and OfSTED.

Consideration of consultation and representation period

DfE Guidance: The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider **ALL** the views submitted, including all support for, objections to and comments on the proposal.

Comment: The stage 1 consultation period ran from 11 September to 20 October 2017 and was for the recommended minimum period of six weeks during term time and all relevant parties were consulted.

For the stage 1 consultation when the future of the school was being considered, a booklet was produced by the local authority which set out the key factors and information related to the proposal. This booklet included a questionnaire which sought views on the proposal from interested parties and stakeholders. The questionnaire was also made available online and this could be accessed via the local authority's website. The school also arranged for copies of the booklet to be distributed to all parents, carers, staff and governors of the school. Additional copies were also placed in the school's reception. The local authority also ensured that copies of the booklet were made available in prominent locations, such as Burnley Town Hall and local libraries.

One of the questions in the questionnaire asked respondents to say whether they agreed or disagreed with the option of closing the school. The responses received from both non-pupils and pupils were as follows:

	Number of responses	Strongly agree	Tend to agree	Neither agree or disagree	Tend to disagree	Strongly disagree	Unsure /don't know
Non-Pupils	124	7%	4%	5%	7%	75%	2%
Pupils	108	2%	0%	6%	4%	83%	5%

During the stage 1 consultation period, a consultation event was held at the school between 3pm and 8pm on 11 October 2017 for parents, staff, governors and any other interested parties to ask questions and make comments on the proposal.

Prior to the event taking place, 11 appointments had been pre-booked. At the event, 29 appointments took place, with 43 interested parties in attendance. The majority of

attendees were either parents of pupils at the school or staff and some of the attendees spoke to more than one officer at the consultation event. In relation to the number of parents who attended, they were from nine families.

The main concerns and issues raised during the stage 1 consultation period, and including the comments received at the consultation event, were as follows: difficulties relating to travel; disruption to pupils' education; difficulty settling into a new school; loss of a community asset; management arrangements and staffing at the school; future use of the school site; the consultation process; and the specialist provision currently located at the school. The local authority considered the responses received during the stage 1 consultation and the decision was taken to publish a statutory notice on the proposal to close Hameldon Community College, with implementation commencing from 31 August 2018. Full details of the responses received during the stage 1 consultation can be found in the Cabinet report dated 7 December 2017.

Between stage 1 ending and stage 2 beginning, 217 postcards in support of the school continuing were received by the local authority outside of the statutory consultation periods. These are pre-printed postcards which are supported by Unison and they have been signed by individuals. As the wording is the same on each postcard, these are recognised as one collective response, like a petition.

Following approval by Cabinet at their meeting on 7 December 2017, a statutory proposal document was published in relation to the proposed closure of the school, with implementation commencing from 31 August 2018. The representation period took place from 16 January to 26 February 2018. The representation period ran for longer than the minimum 4 week period to account for the February half term week. By the close of the representation period on 26 February 2018, 12 written responses had been received, 11 from individuals and one joint response. Of these responses, the majority objected to the proposal as follows:

Support	Neither agree nor disagree	Object
0	2	10

The individual responses came from the following categories of people with an interest in the school as indicated on/determined from their response:

- 1 (8%) from a member of staff at the school;
- 5 (42%) from parents/carers of pupils currently attending the school;
- 1 (8%) from a former pupil;
- 1 (8%) from a member of the community; and
- 3 (25%) from individuals who did not state their interest in the school.

One response from a parent and one response from an individual who did not state their interest in the school used exactly the same wording.

The joint response was a letter which had been signed by seven parents and members of the community. Of the parents, at least two had submitted their own individual responses.

All responses received have been placed on Councillor-First and a summary is set out below.

Neither agrees nor disagrees

Two of the responses received neither agreed nor disagreed with the proposal to close the school but they raised the following points:

- Alternative uses for the site/school; and
- The financial position of the school.

Objections

Nine of individual respondents and the joint response objected to the proposal to close the school. The issues and concerns raised were as follows:

- Alternative uses for the site/school;
- The financial position of the school;
- Positive comments about the staff at the school;
- The consultation process;
- Securing a place at another school and the support arrangements for pupils moving schools, especially those with SEN;
- The cost of travel and new uniforms;
- Impact on local community and businesses;
- Future increase in pupil population and the need for school places; and
- Impact on the special education resources facility (SERF).

These areas are outlined in further detail below.

Alternative uses for the site/school

Seven (58%) responses included a comment or suggestion about an alternative use for the site/school. These included merging with Thomas Whitham Sixth Form and mothballing one site in the short term; creating a more vocational offer/school; work in partnership with third parties to maintain the school; add a nursery, junior school or special school to the school; rebrand and rename the school; create a free school or academy; and involving the neighbouring industrial estates. A point was also raised about the cost of decommissioning the school.

Response:

In the main, the suggestions for alternative uses for the site/school are the same as those received through the stage 1 consultation. As a number of responses propose an alternative option for the future of the school, this demonstrates that things cannot continue in their current form.

It must be noted that the potential future use of the site has had no influence in the local authority's decision to consult on the proposal to close the school and these are

two different considerations. If the decision is taken to close Hameldon Community College, this does not automatically mean that the site will also close and that the school buildings will be decommissioned. There are no plans for the site to be used for anything other than for educational use. The proposal to close the school must be agreed before any decisions are made about the future of the site.

With regard to becoming an academy, the last time the school was judged 'Inadequate', attempts were made by DfE to find a suitable academy sponsor for the school which would allow it to become part of a Multi Academy Trust (MAT). This attempt was unsuccessful. The creation of an academy is no longer an option for the school.

Of the other options received, such as a vocational school or free school, these options would still require the closure of Hameldon Community College for them to take place. Following this consultation, the original issues and concerns held by the local authority in relation to Hameldon Community College remain valid.

The financial position of the school

Six (50%) responses included a comment about the financial position of the school. These included removing the debt/budget deficit to allow someone else to take over the school and questions about the PFI nature of the building.

Response:

With regard to their financial position, the school has been running a large deficit for a number of years and a significant amount of time and professional resources have been allocated to this school by the local authority. As at 31 March 2017, the school held a cumulative deficit balance of £2.2m which is forecast to increase by £0.3m in the current 2017-18 financial year, taking the overall cumulative deficit to £2.5m. The financial position of the school has been in steady decline over the last 4 years, with annual deficits forecast to increase from 2016/17 onwards. It is the conclusion of the School Finance function that this deficit is not recoverable and that the school is no longer financially viable. More detail on the financial position of the school can be found under the 'Funding' heading below.

The school premises were built as one part of the phase 3 Building Schools for the Future (BSF) project that was funded via Private Finance Initiative (PFI). A contract exists with the PFI partner which would leave the local authority with an ongoing financial commitment in the order of £4.1 million per annum towards the total annual cost over the next 14 years if the school were to be closed.

There are risks associated with the financing of the PFI contract if the premises do not remain in use for educational purposes. Bearing in mind the need for future secondary places, if the decision was taken to close the school, it would be necessary to identify a continued use for the site, including educational use which is of high quality.

When a school is closed by a local authority, any balance (whether surplus or deficit) reverts to the local authority as a whole. The local authority cannot transfer a closing

balance to an individual school, even when that school is a successor to the closing school, except that a surplus or deficit transfers to an academy where a school converts to academy status under section 4(1)(a) of the Academies Act 2010.

Current Education and Skills Funding Agency (ESFA) guidance states that any deficit balance on a closing school is the responsibility of the local authority. The Lancashire Schools Forum has an established reserve for some strategic school deficits. The local authority will continue to receive Dedicated Schools Grant (DSG) funding for the pupils when they relocate to new schools within the county.

Positive comments about the staff at the school

Four (33%) responses included a comment about the staff at the school. These included the positive impact the current Headteacher is having on the school; the excellent teaching by school staff; and the support provided to parents and pupils.

Response:

The positive comments received regarding the staff and the impact the current Headteacher is making are welcomed and it is clear that a number of respondents are loyal to the school. The local authority is aware of the ongoing hard work taking place at the school and how the staff are continuing to support the pupils through their education. This reflects the situation at Hameldon Community College following the previous three times the school was placed in an Ofsted category of concern, but the school has been unable, over time, to sustain the improvements made without significant external support.

The consultation process

One (8%) response raised concerns about the consultation process, with specific reference to the statutory notice being displayed on the school's premises.

Response:

There is a defined statutory process in the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 which must be followed before making a decision on the closure of a maintained school. This is supplemented by further guidance on the process published by the Department for Education (DfE). There are five statutory stages for a proposal of this nature and these are set out below, along with the relevant timescale:

Action	Start
Cabinet approval to consult	10 August 2017
Stage 1: Consultation on a proposal on the future of Hameldon Community College	11 September to 20 October 2017
Stage 1: Report to Cabinet on consultation and seek decision on whether to publish Statutory Notice	7 December 2017
Stage 2: Publish Statutory Notice	16 January 2018
Stage 3: Representation Period	16 January to 26 February 2018
Stage 4: Decision	12 April 2018
Stage 5: Implementation	From 31 August 2018

In line with stage 2 of the above statutory consultation process, we are required to display a statutory notice at all of the entrances to its site, such as the school gates. The statutory notice was displayed at the school gates from the start of the representation period, 16 January 2017, and it remained there throughout the representation period, which ended on 26 February 2018.

The local authority has followed the correct statutory procedure when looking at the future of the school and all of the available information has been accessible through the school or through its website.

Securing a place at another school and the support arrangements for pupils

Five (42%) responses raised concerns about securing places at a different school and how the pupils will be supported through this process. These included the process for securing a place at a different school; the transitional support for pupils; how pupils may lose their friends; the possible negative impact on their studies; the impact on SEN pupils and those with medical issues; and the capacity at other schools to take additional pupils.

Response:

In the event of Hameldon Community College closing, the Pupil Access Team and SEND Team will support parents in accessing alternative educational provision. If parents wish their child to transfer to a school that is full, assistance will be provided in respect of the appeal paperwork and process.

If the proposal is approved, the school will close on 31 August 2019, with implementation commencing from 31 August 2018. It is proposed to phase the closure of the school to minimise the impact on pupils. The table below sets out the proposed transition plan should a final decision be taken to close Hameldon Community College:

Current year group	Movement of Pupils
Year 7	Will move to other local schools in September 2018 to continue Key Stage 3
Year 8	Will move to other local schools to complete Key Stage 3 in September 2018
Year 9	Will move to other local schools in time to start Key Stage 4 and GCSE options in September 2018
Year 10	Will be given the opportunity to remain on the roll at Hameldon to complete Key Stage 4 and leave 11-16 provision in August 2019
Year 11	Will remain on the roll at Hameldon to complete Key Stage 4 and leave 11-16 provision in August 2018

In this way, the pupils that will be directly affected by any closure of Hameldon Community College would be those in current year groups 7, 8 and 9, who would need to move to an alternative school for September 2018. The current year group 11 will be able to remain at the school until they complete their key stage 4 education and take their GCSEs. Arrangements will also be made for pupils currently in Year 10 to remain on roll at Hameldon Community College to complete their key stage 4 education, take their GCSEs and leave 11-16 provision in August 2019. Year 10 pupils who opt to do this would be kept together as a group and will remain on the current site of Hameldon Community College to complete their key stage 4 education. Should the proposal be approved, the local authority will ensure that intensive support continues to be provided to the school with the aim of ensuring that the pupils who remain on roll receive a quality education and are not disadvantaged by the impact of closure.

Parents are free to express a preference for any school and, if places are available, the school will be required to admit pupils. Should Hameldon Community College close, there is sufficient capacity in other local schools to accommodate the current pupil population. All parents of pupils currently in Years 7 to 10 will be contacted with the options available for securing a place at an alternative school. Pupils in Year 11 will be unaffected by any school reorganisation proposal as they will have left school by the time any proposals are implemented. The number of pupils on roll at the secondary schools in Burnley are as follows:

School	Type	Number on Roll as at January 2018						PAN*	Net Cap**
		Y7	Y8	Y9	Y10	Y11	Total		
Hameldon Community College	C	25	39	35	40	58	197	150	750
Sir John Thursby Community College	FT	216	221	212	209	202	1060	210	1050
Burnley High School	FS	120	89	85	46	0	340	90	450
Unity College	FT	251	247	215	209	202	1060	240	1200
Blessed Trinity RC College	VA	266	265	261	254	242	1288	250	1250
Shuttleworth College	FT	153	157	141	129	154	734	210	1050
Total		1031	1018	949	887	858	4743	1150	5750

(C = Community; FT = Foundation Trust; FS = Free School; and VA = Voluntary Aided)

* PAN – Published Admission Number

** Net Cap – Net Capacity

If the proposal to close the school is approved, parents of any pupils who have expressed a preference for the school for September 2018 will receive a communication from the Pupil Access Team giving them opportunity to express a further set of preferences for local schools.

Admission requests for alternative schools and academies will be dealt with under agreed procedures. Parents will be able to appeal for any other school or academy at which a preferred place cannot be offered. The local authority would try to keep the need for any appeals as low as possible. If appeals are needed, the Area Pupil Access Team will provide information and advice to individual families.

With regard to pupils moving to a different school, there will be a cooperative approach from the receiving school, with planned visits and contact with appropriate staff. If pupils transfer to the same school as a known group of peers, this should also help to lessen some of the worries and maintain friendships where possible. The receiving schools are able to support pupils from all backgrounds. All schools provide 1:1 and small group support where needed. Larger schools can be better placed to do this because they have larger budgets that are more flexible in response to demand. The receiving schools will have transition plans in place including induction activities and team building events but the schools can't plan to do this until a final decision is made.

With regard to pupils with SEN, all schools are allocated resources to meet the needs of pupils with additional educational needs. All schools have a named Special Educational Needs Coordinator (SENCO), who is responsible for identifying the SEN of pupils within the school, and ensuring that they receive appropriate support to meet these needs.

The SENCOs of schools receiving pupils will liaise with staff from Hameldon Community College to identify the support necessary for each young person with additional needs, and ensure that information is shared and that support is in place. Any medical issues for specific pupils would be included as part of this transition process. The majority of pupils with additional needs will have those needs met from within the resources available to all schools. The local authority SEND Service

Specialist Teacher Team will support the SENCO at Hameldon Community College in the coordination of this process.

A minority of pupils who have complex needs will have a Statement of Special Educational Needs (SSENs) or an Education Health and Care Plan (EHCP). This will often mean that the school will receive some additional 'top up' funding in order to meet these complex needs. Should the decision be taken to close the school, the SEN and Disability Officers (SENDO) from the local authority SEND Service will ask the school to initiate an annual review for each pupil with SSENs or EHCPs in order to discuss the possible alternative schools with parents and the pupils concerned, ensuring that the proposed alternative school can meet the needs of the pupil. The local authority will ensure that any managed move runs as smoothly as possible and that the funding is transferred. They will also issue a new EHCP to name the new setting. The new school may have to make additional arrangements in order to meet pupil's needs, such as employing additional teaching assistants.

Should a final decision be taken to close Hameldon Community College, alternative local schools will be able to discuss what GCSE options they propose to offer in future with parents. Parents are advised to visit/discuss available options directly with other schools before making a decision as to which school to attend.

In terms of the negative impact on pupil's studies, because of the problems which Hameldon Community College has had in recruiting and retaining permanent teachers, the local authority expects the overall quality of teaching they receive after moving to other schools to improve.

Information from regarding pupils' strengths, weaknesses and their current stage of progress will be passed to the receiving schools. Pupils will be set individual subject targets and their progress tracked closely in line with each school's existing systems.

Clearly, any school closure does cause a level of disruption to children's education. However, where transfers are carefully planned with receiving schools over a reasonable timescale, the receiving school can prepare for each pupil's admission and pupils can be integrated from the beginning and their educational and pastoral needs can be effectively provided for. Pupils will also be moving with their peers, many to the same school, and this will also aid transition.

The cost of travel and new uniforms

Three (25%) responses raised a concern or made a suggestion related to this area. The concerns included the cost of travel and new uniforms dependant on where pupils are placed and the suggestion was to create a direct bus route from Padiham and Burnley town centre to the school to attract more pupils.

Response:

The local authority does not normally provide any assistance towards the cost of school uniform unless there are very exceptional circumstances and a need can be evidenced. However, if a final decision is made to close the school, the local

authority will decide under what circumstances a contribution towards cost may be considered.

With regard to travel, the local authority will provide transport assistance to the following groups of pupils who live in Lancashire and attend Hameldon Community College at the time that their year group is scheduled to move to another school:

- Pupils who live over 3 miles* away from the school they move to provided it is their nearest suitable school; and
- Pupils who live over 3 miles* away from their allocated school even when it is not their nearest suitable school (this is an exception to current policy)

*For those pupils from low income families (these are pupils who are eligible for free school meals or the parents are receiving the maximum amount of working tax credit) then travelling expenses will be awarded where the school they move to is one of their three nearest schools from their home and the distance from home to the school is between **two** and six miles.

The closest alternative schools measured by walking distance from Hameldon Community College are:

Burnley High School	2.0 miles
Blessed Trinity RC College	2.2 miles
Shuttleworth College	2.2 miles
Unity College	2.4 miles
Sir John Thursby Community College	3.1 miles

Eligibility for home to school transport is measured from the child's permanent home address to school so the above distances are only a guide as to the possible distances.

In addition, free transport must also be provided where walking routes are not suitable, regardless of the distance from home to the nearest school. Parents have the primary responsibility for ensuring their child's safe arrival at school and the suitability of routes are assessed on the basis that parents are accompanying their child to school. Whilst lonely routes or those that could pose 'moral dangers' are taken into account, they are not normally classed as unsuitable routes. Footpaths and roadside verges are classed as suitable walking routes subject to verges being wide enough and there being suitable crossing points. The Home to Mainstream School Transport Policy 2018/19 provides specific detail on the assessment of routes for suitability purposes. Parents are able to appeal to the local authority's Student Support Appeal Committee about home to school transport decisions.

Where transport is provided by the local authority, the type of transport provided is at our discretion. If your child is entitled to free transport to and from school, the local authority will normally provide them with a travel pass for a bus service, a contracted vehicle, such as a coach or minibus, or a railway service. In exceptional circumstances, a taxi may be provided.

In terms of introducing new direct bus routes from both Padiham and Burnley town centre to the school, this would be dependent on whether the decision is taken to close the school. Should the decision be made to keep the school open, the local authority would review whether this is a viable suggestion.

The impact on the local community and businesses

Three (25%) responses included a comment on the impact on the local community and businesses if the decision is taken to close the school. These included a negative impact on community cohesion; a negative impact on local businesses; and the loss of the sports facilities at the school.

Response:

An Equality Impact Assessment has been undertaken and can be found at appendix 'D' of this report.

No issues or concerns were raised by local businesses during the representation period.

The local authority recognises that the closure of a school can impact on the wider community and that the school has a number of facilities which are available for use by the local community or businesses, such as sporting and recreational facilities as well as meeting rooms and function facilities.

During the 2017 calendar year, 13 different groups have used the community facilities at the school in the evenings. The facilities being used are as follows: dance studio, sports hall, all weather pitch and grass football pitch. The activities being undertaken have included football, netball, rounders and cricket.

The community facilities at Hameldon Community College are easily accessible for all families in the area, including those who rely on public transport. However, in order to retain the facilities at the school, they would need to be completely self-funding and self-managing. Subject to the future use of the site, if any such organisation wishes to inherit the facilities as a community asset it would need to be on the basis that they were operated without the need for revenue funding from either the Borough or the County Council. If Hameldon Community College is closed, the community facilities will be unavailable from the point at which the closure takes place.

The vast majority of, if not all, schools provide community activities and/or facilities and, if a school is closed, these are normally provided by other schools or are picked up by other organisations in the area.

Future increase in pupil population and the need for school places

Two (17%) responses raised concerns about the future increase in the pupil population in the area and the need for more school places.

Response:

The overall decline in numbers across the Burnley district has started to reverse and there have been increases in the total number on roll (NOR) in all but two schools in the area over recent years. The only places actually available at key stage 3, without over-admission, are at Shuttleworth College, which currently has spare places to accommodate all the pupils in Years 7, 8 and 9. In total, the number of Year 7 places across all the Burnley schools, excluding Hameldon Community College, is lower than the number of offers made for September 2018. Therefore, if the school were to close, additional spaces in some year groups within existing capacity would be required with immediate effect to accommodate existing pupils.

The shortfall in 5 years, with the impact of planned housing and current levels of migration, without the capacity at the school is 444 places. This could rise further to approximately 620 places in the following two years. Additional physical capacity is required to accommodate these pupils, either in the existing school building, which is a Public Finance Initiative (PFI) building, or by the expansion of other schools. This capacity starts to be required from September 2018, when the total number on roll starts to reach and then exceed the net capacity of all other secondary schools in Burnley.

The local authority's pupil projections take into account the number of pupils moving in to and out of the area (known as migration) as well as additional pupils resulting from new housing developments. New housing that is expected to come forward within 5 years has been included in the Burnley pupil projections. The decline in numbers across Burnley has started to reverse, and there have been increases in the total number on roll in all but two schools in the area in recent years, and this growth is expected to continue based on information contained within the Burnley Local Plan.

The forecast requirement for secondary school places in Burnley over the next five years can be seen in the table below:

Autumn 2017 Forecast Data and 2016 Housing Land Supply	Pupil Places
Net capacity of Burnley secondary schools (11-16 capacity)	5865
Current number of pupils on roll, as at September 2017	4757
Projected number on roll in 5 years, excluding housing and migration impact	5465
Projected number on roll in 5 years, including housing and migration impact	5559
Surplus places in Burnley in 5 years, including housing and migration	306
Surplus places in Burnley in 5 years, excluding 750 place capacity at Hameldon Community College	-444

If additional places were to be provided on alternative sites, an initial assessment of current records show that only Shuttleworth College and Unity College have sufficient site area to support any physical expansion going forward in compliance

with Section 77 (Regulations relating to the protection of school playing fields). However, there may be scope for providing places in schools within some existing capacity.

Impact on the special education resource facility (SERF)

One (8%) response raised a question about the future of the SERF if the decision is taken to close the school.

Response:

The Special Educational Resource Facility (SERF) located at Hameldon Community College is commissioned by the local authority through the Schools Forum High Needs Block funding. Whilst there are 18 places available, there are currently three pupils in this facility. However, only two pupils will be affected by this proposal as the third will have left before it is implemented. Given the needs of the remaining pupils, they will be given the option of moving together, when the SERF is relocated, rather than moving at the same time as the other members of their year groups.

A Suitability and Sufficiency study is currently being undertaken with all of the special schools, SERFs and short stay schools in Lancashire. As part of this study, the local authority's SEND Service will look to relocate the SERF to a suitable secondary school in the east of the county. Whilst this study is taking place, the local authority will continue to work with the two young people remaining in the SERF, along with their families, to identify an alternative provider to meet their special educational needs.

Educational standards and diversity of provision

DfE Guidance: Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents; raise local standards and narrow attainment gaps.

Comment: The educational standards achieved by pupils at Hameldon Community College have been variable over the past five years. They have only been above the Government's minimum floor standard in two of these years and they also meet the three-year criteria for "coasting schools". Results in 2017 continued an overall deteriorating trend. In 2015, 36% of pupils gained 5 or more good GCSEs, including English and maths; in 2016, only 21% of pupils gained 5 or more good GCSEs, including English and maths. The 2017 Performance Tables show that this reduced even further to just 16%. In addition, the school is well below the Progress 8 floor standard, placing the school in the bottom 4% nationally; in the bottom 3% for progress in English and the bottom 10% in maths.

Whilst it is acknowledged that a high proportion of pupils at the school are from disadvantaged backgrounds, their progress is not above the Government's floor standard and was in line with the bottom 2% of disadvantaged pupils nationally.

The following table shows the educational standards at all secondary schools in the area:

School	Progress 8		Attainment 8	% pupils obtaining A* - C grades in English and maths (G4+ in 2016/17)				% pupils obtaining G5+ grades in English and maths	Ofsted Grade *
	Score	Significance	Score	2014	2015	2016	2017	2016/17	
Hameldon Community College	-0.88	Well below average	30.0	56	42	30	(23)	13	4
Sir John Thursby Community College	0.27	Above average	43.4	37	48	48	(59)	30	2
Burnley High School	Not applicable as no students at Key Stage 4 yet								2
Unity College	-0.15	Average	43.1	44	44	56	(65)	36	2
Blessed Trinity RC High School	-0.46	Below average	40.6	57	64	62	(59)	32	2
Shuttleworth College	-0.44	Below average	38.4	41	37	46	(55)	37	3

*Ofsted grade 2 = Good, 3 = Requires Improvement, 4 = Inadequate

There is a wide diversity of state-funded secondary school provision in the Burnley district comprising one community school; three foundation (trust) schools; one voluntary aided Catholic school; and one free school. As can be seen from the table above, all of these schools have higher educational standards, as measured by examination performance data and/or as judged by Ofsted, than Hameldon Community College. With regard to Ofsted judgements, four of the secondary schools in Burnley are deemed to be 'Good' and one school, Shuttleworth College, is deemed to 'Require Improvement'. This school is currently improving rapidly and on track to be judged 'Good'.

The latest published inspection of Hameldon Community College was in December 2017 when it was judged as Inadequate in all areas. Since 2007, the inspection history of the school has been poor, being placed in a category of concern four times and it has never been judged to be good overall. The school has not found it possible to sustain the improvements made with additional support from the local authority.

There is evidence that schools with a small number of pupils may experience challenges in providing diversity within the curriculum as school budgets are largely determined by the numbers of pupils on roll. Schools with falling pupil numbers are unable to maintain the same staffing levels as previously, so the choice of subjects may be affected and there may be challenges around staff retention and recruitment. This, in turn, can lead to lower pupil attainment as measured by Ofsted and GCSE results, which often results in lower pupil admissions to Year 7 and leads to an even further reduced budget in the following year. Once schools find themselves in this

cycle, it is very difficult for the situation to be reversed unless there is a rapid and significant increase in pupil numbers across the whole area.

It is noted that the closure of any school does represent a reduction in choice and diversity. However, first preference applications for admission to Hameldon Community College are lower than any other secondary school in the area and have declined from 83 to 37 (before consultation on closure was announced). The following table provides details:

School	Type	First Preference Applications by Intake Year					PAN*	Net Cap**
		2018	2017	2016	2015	2014		
Hameldon Community College	C	7	37	49	56	83	150	750
Sir John Thursby Community College	FT	203	192	184	192	203	210	1050
Burnley High School	FS	153	131	87	67	0	90	450
Unity College	FT	258	268	259	238	198	240	1200
Blessed Trinity RC College	VA	324	350	354	300	283	250	1250
Shuttleworth College	FT	134	89	113	102	121	210	1050
Total		1079	1067	1046	955	888	1150	5750

(C = Community; FT = Foundation Trust; FS = Free School; and VA = Voluntary Aided)

* PAN – Published Admission Number

** Net Cap – Net Capacity

It can be seen from the information above that there are a range of alternative secondary schools within the district, each with higher educational standards than Hameldon Community College.

The school is no longer in a position to provide an acceptable standard of education and is unable to deliver the required curriculum. In addition, because of the problems which the school has had in recruiting and retaining permanent teachers over many years, we would expect the overall quality of teaching pupils will receive after moving to other schools to improve.

A school-led system with every school an academy

DfE guidance: The 2016 White Paper, Education Excellence Everywhere, sets out the department's aim that by the end of 2020, all schools will be academies or in the process of becoming academies. The decision-maker should, therefore, take into account the extent to which the proposal is consistent with this policy.

Comment: Whilst alignment with the Education Excellence Everywhere has been considered, the creation of/conversion to an academy is not appropriate at this stage. When the school was judged Inadequate at a previous inspection, attempts were made by the DfE to find a suitable academy sponsor for the school which would allow it to become part of a Multi Academy Trust (MAT). This attempt was unsuccessful.

The DfE's statutory guidance, 'Opening and Closing Maintained Schools' (April 2016) gives a reason for closing a maintained school as 'it is failing and there is no viable

sponsored academy solution.' This is the situation with Hameldon Community College, hence this statutory process being undertaken.

Demand v need

DfE guidance: The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively, there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

Comment: Hameldon Community College has had falling numbers for some years; a 14% decline in number on roll and a 34% decrease on intake into year 7 in the last 5 years. As at March 2018, the pupil numbers at the school stood at 197.

With regard to the popularity of the secondary schools in the district, the table below shows the number of first preference applications over a number of years, compared to the published admission number:

School	Type	First Preference Applications by Intake Year					PAN*	Net Cap**
		2018	2017	2016	2015	2014		
Hameldon Community College	C	7	37	49	56	83	150	750
Sir John Thursby Community College	FT	203	192	184	192	203	210	1050
Burnley High School	FS	153	131	87	67	0	90	450
Unity College	FT	258	268	259	238	198	240	1200
Blessed Trinity RC College	VA	324	350	354	300	283	250	1250
Shuttleworth College	FT	134	89	113	102	121	210	1050
Total		1079	1067	1046	955	888	1150	5750

(C = Community; FT = Foundation Trust; FS = Free School; and VA = Voluntary Aided)

* PAN – Published Admission Number

** Net Cap – Net Capacity

Although it is anticipated that a number of these pupils may appeal for alternative schools, the only places actually available at key stage 3, without over-admission, are at Shuttleworth College, which currently has spare places to accommodate all the pupils in Years 7, 8 and 9. In total, the number of Year 7 places across all the Burnley schools, excluding Hameldon Community College, is lower than the number of offers made for September 2018. Therefore, if the school were to close, additional spaces in some year groups within existing capacity would be required with immediate effect to accommodate existing pupils.

Should Hameldon Community College close, there is sufficient capacity in other local schools to accommodate the current pupil population. Pupils in Year 11 will be unaffected by any school reorganisation proposal as they will have left school by the time any proposals are implemented. As at January 2018, the pupil numbers (numbers on roll (NOR)) at each secondary school in Burnley are shown in the table below:

School	Type	Number on Roll as at January 2018						PAN*	Net Cap**
		Y7	Y8	Y9	Y10	Y11	Total		
Hameldon Community College	C	25	39	35	40	58	197	150	750
Sir John Thursby Community College	FT	216	221	212	209	202	1060	210	1050
Burnley High School	FS	120	89	85	46	0	340	90	450
Unity College	FT	251	247	215	209	202	1060	240	1200
Blessed Trinity RC College	VA	266	265	261	254	242	1288	250	1250
Shuttleworth College	FT	153	157	141	129	154	734	210	1050
Total		1031	1018	949	887	858	4743	1150	5750

(C = Community; FT = Foundation Trust; FS = Free School; and VA = Voluntary Aided)

* PAN – Published Admission Number

** Net Cap – Net Capacity

Therefore, whilst there is sufficient capacity within the existing schools to accommodate the current Hameldon Community College pupils, there is a need for additional places going forward, should the decision be taken to close the school.

Additional physical capacity will be required to accommodate these pupils, either in the existing school building or by the expansion of other schools. The need for additional places in Year 7 starts to be required from September 2018, when the projected Year 7 intake exceeds the combined admission number of all other secondary schools in Burnley. The shortfall of places is expected to require additional places to be provided for September 2019 and beyond.

The potential shortfall of Year 7 places is as follows:

Intake Year	Total PAN (excluding Hameldon Community College)	Projected intake	Shortage of places
2019	1045	1102	57
2020	1045	1127	82
2021	1045	1133	88
2022	1045	1102	57

Therefore, 2 additional forms of entry will be required for September 2019, rising to 3 forms of entry in 2020.

School size

DfE guidance: Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-

effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

Comment: The small size of the school and the extent of the financial challenge add considerably to the difficulty in making the necessary rapid improvements in education outcomes required to meet the Government's targets.

There is evidence that schools with a small number of pupils may experience challenges in providing diversity within the curriculum as school budgets are largely determined by the numbers of pupils on roll. Schools with falling pupil numbers are unable to maintain the same staffing levels as previously, so the choice of subjects may be affected and there may be challenges around staff retention and recruitment. This, in turn, can lead to lower pupil attainment as measured by Ofsted and GCSE results, which often results in lower pupil admissions to Year 7 and leads to an even further reduced budget in the following year. Once schools find themselves in this cycle, it is very difficult for the situation to be reversed unless there is a rapid and significant increase in pupil numbers across the whole area.

Proposed admission arrangements

DfE guidance: In assessing demand, the decision-maker should consider all expected admission applications, not only from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code.

Comment: Applications for secondary school are made between 1 September and 31 October each year. As the Cabinet decision regarding possible closure has not yet taken place, seven first preferences were submitted on secondary school applications for a place in Year 7 at Hameldon Community College for September 2018. If the proposal to close the school is approved, parents of any pupils who have expressed a preference for a place at the school will receive a communication from the Pupil Access Team giving them the opportunity to express a further set of preferences for local schools.

Parents are free to express a preference for any school and, if places are available, the school will be required to admit pupils. Should Hameldon Community College close, there is sufficient capacity in other local schools to accommodate the current pupil population. All parents of pupils currently in Years 7 to 10 will be contacted with the options available for securing a place at an alternative school. Pupils in Year 11 will be unaffected by any school reorganisation proposal as they will have left school by the time any proposals are implemented. The number of pupils on roll at the secondary schools in Burnley are as follows:

School	Type	Number on Roll as at January 2018						PAN*	Net Cap**
		Y7	Y8	Y9	Y10	Y11	Total		
Hameldon Community College	C	25	39	35	40	58	197	150	750
Sir John Thursby Community College	FT	216	221	212	209	202	1060	210	1050
Burnley High School	FS	120	89	85	46	0	340	90	450
Unity College	FT	251	247	215	209	202	1060	240	1200
Blessed Trinity RC College	VA	266	265	261	254	242	1288	250	1250
Shuttleworth College	FT	153	157	141	129	154	734	210	1050
Total		1031	1018	949	887	858	4743	1150	5750

(C = Community; FT = Foundation Trust; FS = Free School; and VA = Voluntary Aided)

* PAN – Published Admission Number

** Net Cap – Net Capacity

The table below shows the number of first preference applications over a number of years, compared to the published admission number (PAN), for all the secondary schools in the district.

School	Type	First Preference Applications by Intake Year					PAN*	Net Cap**
		2018	2017	2016	2015	2014		
Hameldon Community College	C	7	37	49	56	83	150	750
Sir John Thursby Community College	FT	203	192	184	192	203	210	1050
Burnley High School	FS	153	131	87	67	0	90	450
Unity College	FT	258	268	259	238	198	240	1200
Blessed Trinity RC College	VA	324	350	354	300	283	250	1250
Shuttleworth College	FT	134	89	113	102	121	210	1050
Total		1079	1067	1046	955	888	1150	5750

(C = Community; FT = Foundation Trust; FS = Free School; and VA = Voluntary Aided)

* PAN – Published Admission Number

** Net Cap – Net Capacity

In summary, this information in these tables shows that, if the school were to close, additional spaces in some year groups within existing capacity would be required with immediate effect to accommodate existing pupils.

The overall decline in pupil numbers across the Burnley district has started to reverse and there have been increases in the total number on roll (NOR) in all but two schools in the area over more recent years. The only places actually available at key stage 3, without over-admission, are at Shuttleworth College, which currently has spare places to accommodate all the pupils in Years 7, 8 and 9. In total, the number of Year 7 places across all the Burnley schools, excluding Hameldon Community College, is lower than the number of offers made for September 2018. Therefore, additional places would need to be made available for these additional pupils.

Admission requests for alternative schools and academies will be dealt with under agreed procedures. The Area Pupil Access Team will play an active role in providing information and advice for parents and pupils overseeing all requests and assisting with the appeal process for schools that are full.

If the proposal is approved, the school will close on 31 August 2019, with implementation commencing from 31 August 2018. It is proposed to phase the closure of the school to minimise the impact on pupils. The table below sets out the proposed transition plan should a final decision be made to close Hameldon Community College:

Current year group	Movement of Pupils
Year 7	Will move to other local schools in September 2018 to continue Key Stage 3
Year 8	Will move to other local schools to complete Key Stage 3 in September 2018
Year 9	Will move to other local schools in time to start Key Stage 4 and GCSE options in September 2018
Year 10	Will be given the opportunity to remain on the roll at Hameldon to complete Key Stage 4 and leave 11-16 provision in August 2019
Year 11	Will remain on the roll at Hameldon to complete Key Stage 4 and leave 11-16 provision in August 2018

In this way, the pupils that will be directly affected by any closure of Hameldon Community College would be those in current year groups 7, 8 and 9, who would need to move to an alternative school for September 2018. The current year group 11 will be able to remain at the school until they complete their key stage 4 education and take their GCSEs. Arrangements will also be made for pupils currently in Year 10 to remain on roll at Hameldon Community College to complete their key stage 4 education, take their GCSEs and leave 11-16 provision in August 2019. Year 10 pupils who opt to do this would be kept together as a group and will remain on the current site of Hameldon Community College to complete their key stage 4 education. Should the proposal be approved, the local authority will ensure that intensive support continues to be provided to the school with the aim of ensuring that the pupils who remain on roll receive a quality education and are not disadvantaged by the impact of closure.

National curriculum

DfE guidance: All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

Comment: The educational standards achieved by pupils at Hameldon Community College have been variable over the past 5 years and, in summer 2017, the situation deteriorated even further. The school is no longer in a position to provide an acceptable standard of education and is unable to deliver the required curriculum breadth, particularly in Key Stage 4. In addition, because of the problems which the school has had in recruiting and retaining permanent teachers over many years, the

local authority expects that the overall quality of teaching pupils receive after moving to other schools to improve.

There is evidence that schools with a small number of pupils may experience challenges in providing diversity within the curriculum as school budgets are largely determined by the numbers of pupils on roll. Schools with falling pupil numbers are unable to maintain the same staffing levels, so the choice of subjects may be affected and there may be challenges around staff recruitment and retention. This can lead to lower pupil attainment as measured by Ofsted and GCSE results, which often results in lower pupil admissions to Year 7 and leads to an even further reduced budget in the following year. Once schools find themselves in this cycle, it is very difficult for the situation to be reversed unless there is a rapid and significant increase in pupil numbers across the whole area.

Equal opportunity issues

DfE guidance: The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to: eliminate discrimination; advance equality of opportunity; and foster good relations.

The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in the area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

Comment: Please refer to the Equality Impact Assessment at Appendix 'D'.

During the representation period, two comments were made in relation to equality issues. These were as follows:

- Securing a place at another school and the support arrangements for pupils moving schools, especially those with SEN; and
- Impact on the special education resources facility (SERF).

The local authority's response to this issues is covered in the 'Consideration of consultation and representation period' section above and also in the Equality Impact Assessment.

Community cohesion

DfE guidance: Schools have a part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker

must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

Comment: Please refer to the Equality Impact Assessment at Appendix 'D'.

Two responses received during the representation period made reference to a negative impact on the community or on community cohesion and the need for educational provision to be delivered on the site.

The local authority recognises that the closure of a school can impact on the wider community and that the school has a number of facilities which are available for use by the local community or businesses, such as sporting and recreational facilities as well as meeting rooms and function facilities.

The school provides sports and other facilities that are used by the local community. If Hameldon Community College is closed, the community facilities will be unavailable from the point at which the closure takes place. However, there is no evidence that this would impact negatively on community cohesion. Further information about the future of the sports facilities is provided under 'Community Services'.

Travel and accessibility

DfE guidance: Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Comment: Please refer to the Equality Impact Assessment at Appendix 'D'.

Three responses to the representation period made a comment about travel. One was a suggestion to create a direct bus route from Padiham and Burnley town centre to the school to attract more pupils and two were related to a possible increase in travel costs.

In terms of introducing new direct bus routes from both Padiham and Burnley town centre to the school, this would be dependent on whether the decision is taken to close the school. Should the decision be made to keep the school open, the local authority would review whether this is a viable suggestion.

In terms of travel costs, the local authority must provide free transport to and from school where secondary age children live more than three miles from the nearest suitable school with available places (Education Act 1996). In addition, the local authority must provide free transport for children from low income families who attend one of the three nearest suitable schools and the school is between two and six miles from home.

The local authority will provide transport assistance to the following groups of pupils who live in Lancashire and attend Hameldon Community College at the time that their year group is scheduled to move to another school:

- Pupils who live over 3 miles* away from the school they move to provided it is their nearest suitable school
- Pupils who live over 3 miles* away from their allocated school even when it is not their nearest suitable school (this is an exception to current policy)

*For those pupils from low income families (these are pupils who are eligible for free school meals or the parents are receiving the maximum amount of working tax credit) then travelling expenses will be awarded where the school they move to is one of their three nearest schools from their home and the distance from home to the school is between **two** and six miles.

Free transport must also be provided where walking routes are not suitable, regardless of the distance from home to the nearest school. Parents have the primary responsibility for ensuring their child's safe arrival at school and the suitability of routes are assessed on the basis that parents are accompanying their child to school. Whilst lonely routes or those that could pose 'moral dangers' are taken into account, they are not normally classed as unsuitable routes. Footpaths and roadside verges are classed as suitable walking routes subject to verges being wide enough and there being suitable crossing points. The Home to Mainstream School Transport Policy 2017/18 provides specific detail on the assessment of routes for suitability purposes. Parents are able to appeal to the local authority's Student Support Appeal Committee about home to school transport decisions.

The closest alternative schools measured by walking distance from Hameldon Community College are:

Burnley High School	2.0 miles
Blessed Trinity RC College	2.2 miles
Shuttleworth College	2.2 miles
Unity College	2.4 miles
Sir John Thursby Community College	3.1 miles

Eligibility for home to school transport is measured from the child's permanent home address to school so the above distances are only to be used as a guide. According to the Department for Transport, nationally, the average distance travelled from home to secondary school is 3.2 miles.

Whilst it is likely that this proposal will lead to an increased use of transport, it is difficult to provide an estimate for this increase as it depends on the alternative

schools chosen by parents. The travel impact for individual pupils, either current pupils if Hameldon Community College closes, or future secondary age pupils, is dependent on parental preferences and available places at other schools. Parents do not necessarily choose their nearest or local school and, if a place is allocated, children will need to travel the necessary distances.

Where transport is provided by the local authority, the type of transport provided is at our discretion. Where a child is entitled to free transport to and from school, the local authority will normally provide them with a travel pass for a bus service, a contracted vehicle, such as a coach or minibus, or a railway service. In exceptional circumstances, a taxi may be provided.

Funding

DfE guidance: The decision-maker should be satisfied that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances, the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

Comment: The school has been running a large deficit for a number of years and a significant amount of time and professional resources have been allocated to the school by the local authority. As at 31 March 2017, the school held a cumulative deficit balance of £2.2m, which is forecast to increase by £0.3m in the current 2017-18 financial year, taking the overall cumulative deficit to £2.5m. The current 3 year forecast for the school indicates that this cumulative deficit is likely to exceed £3.8m by March 2020. The financial position of the school has been in steady decline over the last 4 years, with annual deficits forecast to increase from 2016/17 onwards.

By law, schools must set a balanced budget and, unfortunately, the school is not in a position to do this, meaning that it is no longer financially viable. It is the conclusion of the local authority's School Finance function that this deficit is not recoverable and that the school is no longer financially viable. The table below sets out both the cumulative and annual deficit position:

	2014/15	2015/16	2016/17	2017/18
Number on Roll	305	321	269	281
Annual Deficit Position	-£0.53M	£0.02M	-£0.28M	-£0.33M
Cumulative Outturn Balances	-£1.95M	-£1.93M	-£2.21M	-£2.54M*

*forecast

As Hameldon Community College was opened as a part of the phase 3 Building Schools for the Future Initiative, a contract exists with the Private Finance Initiative (PFI) partner and this could leave the local authority with an ongoing financial commitment of up to £4.1 million per annum towards the total annual cost over the next 14 years if the school were to be closed. Bearing in mind the need for future secondary places, were the school to close, it would be necessary to identify a continued use for the site, including educational use which is of high quality, such as allowing another local school to expand onto and take ownership of the site.

When a school is closed by a local authority, any balance (whether surplus or deficit) reverts to the local authority. The local authority cannot transfer a closing balance to an individual school, even when that school is a successor to the closing school, except that a surplus or deficit transfers to an academy where a school converts to academy status under section 4(1)(a) of the Academies Act 2010.

Current Education and Skills Funding Agency (ESFA) guidance states that any deficit balance on a closing school is the responsibility of the local authority. The Lancashire Schools Forum has an established reserve for some strategic school deficits. The local authority will continue to receive Dedicated Schools Grant (DSG) funding for the pupils when they relocate to new schools within the county.

School premises and playing fields

DfE guidance: Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Comment: There will be no adverse impact on the school's playing fields as a result of this proposal.

Additional factors for consideration

The DfE's statutory guidance for decision-makers sets out a number of additional factors which must be taken into consideration for discontinuance (closure) proposals. These factors are set out below, along with a supporting comment.

Closure proposals (under s15 of the Education and Inspections Act 2006)

DfE Guidance: The decision-maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall quality of provision, the likely supply and future demand for places. The decision-maker should consider the popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools.

Comment: There is evidence that schools with a small number of pupils may experience challenges in providing diversity within the curriculum as school budgets are largely determined by the numbers of pupils on roll. Schools with falling pupil numbers are unable to maintain the same staffing levels, so the choice of subjects may be affected and there may be challenges around staff recruitment and retention. This can lead to lower pupil attainment as measured by Ofsted and GCSE results, which often results in lower pupil admissions to Year 7 and leads to an even further reduced budget in the following year. Once schools find themselves in this cycle, it is very difficult for the situation to be reversed unless there is a rapid and significant increase in pupil numbers across the whole area.

The number of pupils attending Hameldon Community College has been falling for some years. It has experienced a 14% decline in the numbers on roll and a 34% decrease on intake into Year 7 over the last five years. As at the January 2018 School Census, the pupil numbers at the school were 197, compared to the capacity for 750.

The school is currently over 70% empty and this looks set to continue as only seven pupils expressed a first preference for joining the school in September 2018, falling from a high of 91 pupils in 2013.

As a result of the consultation which took place from 11 September to 20 October 2017, all parents who had expressed a preference for a place for their child at the school from September 2018 have been asked to put forward a further preference for another school, with the local authority providing support for pupils and parents in making the transition to another school.

Pupil numbers on roll in each year group as at the January 2018 School Census, together with the published admission numbers (PAN) and physical net capacities of the schools, were as follows:

School	Type	Number on Roll as at January 2018						PAN*	Net Cap**
		Y7	Y8	Y9	Y10	Y11	Total		
Hameldon Community College	C	25	39	35	40	58	197	150	750
Sir John Thursby Community College	FT	216	221	212	209	202	1060	210	1050
Burnley High School	FS	120	89	85	46	0	340	90	450
Unity College	FT	251	247	215	209	202	1060	240	1200
Blessed Trinity RC College	VA	266	265	261	254	242	1288	250	1250
Shuttleworth College	FT	153	157	141	129	154	734	210	1050
Total		1031	1018	949	887	858	4743	1150	5750

(C = Community; FT = Foundation Trust; FS = Free School; and VA = Voluntary Aided)

* PAN – Published Admission Number

** Net Cap – Net Capacity

If Hameldon Community College were to close, there is sufficient capacity in other local schools to accommodate the current pupil population. However, the overall decline in numbers across the Burnley district has started to reverse and there have been increases in the total number on roll (NOR) across all but two schools in the

area over more recent years. Without the capacity at Hameldon Community College, it is forecast that there will be a shortfall of 444 places in five years. These pupil projections take into account both the number of pupils moving in to and out of the area (known as migration) and additional pupils resulting from new housing developments. New housing that is expected to come forward within five years has been included in the pupil projections for the Burnley area. This growth is expected to continue based on information contained within the Burnley Local Plan.

Additional physical capacity will be required to accommodate these pupils, either in the existing school building or by the expansion of other schools. The need for additional places in Year 7 starts to be required from September 2018, when the projected Year 7 intake exceeds the combined admission number of all other secondary schools in Burnley. The need for additional capacity is then required as the total number on roll exceeds the total net capacity of the existing schools in September 2019.

Autumn 2017 Forecast Data and 2016 Housing Land Supply	Pupil Places
Net capacity of Burnley secondary schools (11-16 capacity)	5865
Current number of pupils on roll, as at September 2017	4757
Projected number on roll in 5 years, excluding housing and migration impact	5465
Projected number on roll in 5 years, including housing and migration impact	5559
Surplus places in Burnley in 5 years, including housing and migration	306
Surplus places in Burnley in 5 years, excluding 750 place capacity at Hameldon Community College	-444

If additional places were to be provided on alternative sites, an initial assessment of current records show that only Shuttleworth College and Unity College have sufficient site area to support any physical expansion going forward in compliance with Section 77 (Regulations relating to the protection of school playing fields). However, there may be scope for providing places in schools within some existing capacity.

Schools to be replaced by a more successful/popular school

DfE Guidance: Such proposals should normally be approved, subject to evidence provided.

Comment: This is not applicable for this proposal.

Schools causing concern

DfE guidance: In determining proposals, decision-makers must ensure that the guidance on schools causing concern (intervening in failing, underperforming and coasting schools) has been followed where necessary.

Comment: The DfE's guidance document, Schools causing concern: Intervening in failing, underperforming and coasting schools (March 2016), states that a school that has been judged by Ofsted to be providing an inadequate education will be issued with an academy order. Despite Hameldon Community College being judged as Inadequate at its latest inspection, the creation of/conversion to an academy is not appropriate at this stage.

When the school was judged Inadequate at a previous inspection, attempts were made by the DfE and the local authority to find a suitable academy sponsor for the school which would allow it to become part of a Multi Academy Trust (MAT). This attempt was unsuccessful.

With regard to the support provided by the local authority, this has been significant in terms of both time and professional resources, as well as financial support also being provided. The inspection history of the school since 2007 has been poor, being placed in a category of concern three time and it has never been judged to be good overall. Despite the efforts of the school and additional support of the local authority over a significant period from 2008 to date, including financial support, the school has been unable to sustain the improvements over time and now these circumstances require the local authority to consider its future.

Following the retirement of the Headteacher in August 2016, it has not been possible to recruit a replacement Headteacher with the experience and quality that the school needs, on a permanent basis. Initially, the local authority put an Acting Headteacher in place for the autumn term and also secured leadership from two recently retired Headteachers, sharing the role and paid on a daily consultancy basis. We also brought in a senior leader from Thomas Whitham Sixth Form to cover the long-term absence arising from the serious illness of the Acting Deputy Head, who is the only other permanent member of the school's senior leadership team. These colleagues successfully managed to steady the situation and engage teaching staff, but they have concerns over the quality of teaching from temporary staff and did not expect to see any improvement in the school's poor educational outcomes this summer. The current Acting Headteacher has been in post since Autumn 2017 and he has had a steady and positive influence on both staff and pupils at the school.

A summary of additional support provided by the local authority is as follows:

- February 2007 to June 2009 – local authority advisers worked with the school to produce an action plan and a local authority statement of action after the school was put in special measures by OfSTED. This was successful in removing the school from a category of concern within the required timescales, being judged 'satisfactory and improving' in June 2009. Financial support was provided by the local authority to implement such actions.
- June 2011 to June 2012 – after the school was served with a Notice to Improve by OfSTED, local authority advisers worked with the school again to produce an action plan and a local authority statement of action. This support was successful in removing the school from a category of concern ahead of the required timescale, being judged 'satisfactory' with good leadership in June 2012. Financial support was provided by the local authority to implement such actions.

- October 2013 to June 2015 - after the school was judged as having 'serious weaknesses' by OfSTED due to inadequate achievement, local authority advisers worked with the school again to produce an action plan and a local authority statement of action. This support was successful achieving good exam results in the summer of 2015 and in removing the school from a category of concern within the required timescale, being judged as 'requires improvement' with good leadership in June 2015. Financial support was provided by the local authority to implement such actions.
- September 2015 to August 2016 – support continued to be provided by local authority HR and Finance staff to assist school leaders in trying to reduce the in-year deficit. Support for curriculum and timetabling was brokered through another school. Local authority advisers continued to assist school leaders in developing a school improvement plan and self-assessment document.
- September 2016 to July 2017 – in the absence of a permanent Headteacher, the local authority brokered the support of a National Leader in Education, with additional support from a recently retired Headteacher. Support of two retired Headteachers was in place from January 2017 to summer 2017, with further senior leader support from Thomas Whitham Sixth Form. The current Acting Headteacher has been in post since Autumn 2017 and he has had a steady and positive influence on both staff and pupils at the school. This support has ensured that the school is safe and orderly, addressing concerns of school staff raised in the 2016 autumn term.

Rural schools and the presumption against closure

DfE Guidance: For secondary schools, the decision-maker must decide whether a school can be regarded as rural for the purpose of considering a proposal. In doing so, the decision-maker should have regard to the department's register of schools, 'Get information about schools', which includes a rural/urban indicator for each school in England. Where a school is not recorded as rural on the register, the decision-maker can consider evidence provided by interested parties that a particular school should be regarded as rural.

Comment: The 'Get information about schools' register describes the school as 'urban city and town'. In addition, no comments were received during the representation period with regard to the school being considered as a rural school.

Early years provision

DfE Guidance: In considering a proposal to close a school which currently includes early years provision, the decision-maker should consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and should have particular regard to the views of the Early Years Development and Childcare Partnership.

Comment: The school does not include early years provision, therefore this consideration is not applicable.

Nursery schools and the presumption against closure

DfE Guidance: There is a presumption against the closure of nursery schools. This does not mean that a nursery school will never close, but the case for closure should be strong.

Comment: The school does not include nursery provision, therefore this consideration is not applicable.

Balance of denominational provision

DfE Guidance: In deciding a proposal to close a school that has been designated with a religious character, decision-makers should consider the effect that this will have on the balance of denominational provision in the area.

Comment: The school has not been designated with a religious character, therefore this consideration is not applicable.

Community Services

DfE Guidance: Some schools may be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social consequences. The effect on families and the community should be considered when considering proposals about the closure of such schools. Where the school is providing access to extended services, provision should be made for pupils and their families to access similar services through their new schools or other means.

Comment:

One comment was received during the representation period regarding the local of community facilities at the school.

The local authority recognises that the closure of a school can impact on the wider community and that the school has a number of facilities which are available for use by the local community or businesses, such as sporting and recreational facilities as well as meeting rooms and function facilities.

During the 2017 calendar year, 13 different groups have used the community facilities at the school in the evenings. The facilities being used are as follows: dance studio, sports hall, all weather pitch and grass football pitch. The activities being undertaken have included football, netball, rounders and cricket.

The community facilities at Hameldon Community College are easily accessible for all families in the area, including those who rely on public transport. However, in order to retain the facilities at the school they would need to be completely self-funding and self-managing. If any such organisation wishes to inherit the facilities as

a community asset it would need to be on the basis that they were operated without the need for revenue funding from either the Borough or the County Council. If Hameldon Community College is closed, the community facilities will be unavailable from the point at which the closure takes place.

The vast majority of, if not all, schools provide community activities and/or facilities and, if a school is closed, these are normally provided by other schools or are picked up by other organisations in the area.

Conclusion

The local authority has concerns that Hameldon Community College is not able to implement and sustain the required improvements in standards. Taking into account the small and reducing number of pupils, the challenging nature of the intake resulting from reducing parental preferences and the pattern of low attainment and progress, it is unlikely that the school will be able to implement and sustain continued improvement over time. It is considered that the school will continue to experience significant challenges in providing a good quality of education, as defined by the current inspection framework. There are also concerns that the school will be unable to deliver an appropriate secondary curriculum, of sufficient range and breadth of subjects and with appropriate specialist teachers, to all levels of pupils, across all key stages.

Whilst it is noted that the respondents to both consultation stages provided positive feedback school, especially the staff, this report shows that the status quo position is untenable given the educational standards, pupil numbers and financial deficit. The local authority has a statutory duty to secure high quality school places for its residents. A failure to address the decline in educational standards, falling numbers and consequent concerns around the future educational viability of the school runs the risk of the local authority being seen by Lancashire's residents, the DfE and Ofsted to be failing in its statutory responsibilities. Alternative places at schools with better quality and outcomes can be secured for current pupils affected by the proposed closure.

This report has demonstrated that, on the basis of the DfE criteria, the decision-maker is recommended to approve the proposal to close Hameldon Community College, with implementation commencing from 31 August 2018.



Equality Analysis Toolkit

The proposed closure of Hameldon Community College,
Burnley

April 2018

What is the Purpose of the Equality Decision-Making Analysis?

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance - [EHRC - New public sector equality duty guidance](#). The supporting document, Equality Information and the Equality Duty: A guide for public authorities, may also be used for reference as necessary.

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting AskEquality@lancashire.gov.uk.

Specific advice on completing the Equality Analysis is available from Jeanette Binns in the Equality and Cohesion Team.

Name/Nature of the Decision

Proposal to close Hameldon Community College, with implementation commencing from 31 August 2018.

What in summary is the proposal being considered?

Under The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, the local authority is both the proposer and the decision-maker for this type of proposal and must carry out a statutory consultation process before a decision on the closure of a maintained school is made. The reasons for the proposal are concerns about the quality of current educational standards, the school's financial deficit position and low and reducing pupil numbers. If the proposal is approved, implementation to close the school would commence from 31 August 2018.

Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

If approved, the proposal will directly affect the pupils currently on roll in year groups 7, 8 and 9 as they would need to move to an alternative school for September 2018. The current year group 11 will be able to remain at the school until they complete key stage 4 and take their GCSEs. Arrangements will also be made for pupils in current Year 10 to remain on the roll at the school and complete key stage 4 and their GCSEs. It must be noted that the Year 10 pupils who opt to do this would be kept together as a group and will remain on the current site of Hameldon Community College. The local authority will ensure that intensive support continues to be provided to Hameldon Community College with the aim of ensuring that the pupils who remain on roll (should the proposals be approved) receive quality education and are not disadvantaged by the impact of closure.

Should the proposal to close Hameldon Community College be approved, all parents of pupils in Years 7 to 9 will be contacted with the options available for securing a place at an alternative school. There is sufficient capacity in other local schools to accommodate the current pupil population. Pupils currently in Year 11 will be unaffected by this proposal as they will have left school by the time any proposals are implemented. In addition, the parents of any pupils who have expressed a preference for a place at the school in September 2018 will receive a communication from the Pupil Access Team, giving them opportunity to express a further set of preferences for local schools.

Lancashire County Council will provide assistance with transport to alternative provision for any children that are eligible under the authority's current transport policy.

Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

Yes.

Hameldon Community College is a co-educational day secondary school, providing for 11-16 year old pupils of all abilities. In addition to the secondary school, a Hearing Impairment Special Educational Resource Facility (SERF) is also located at the school, providing additional resourced provision for up to 18 students with hearing impairments. There will be an impact on those pupils currently attending the school and those who may wish to attend the school in the future.

In 2017, the national figures for SEND showed that 2.8% of children had an Educational Health and Care Plan (EHCP) or a Statement and 11.6% had identified special educational needs or disabilities without an EHCP or a Statement. The statistics at Hameldon Community College are as follows:

	January 2017	January 2016	January 2015	January 2014	January 2013
SEND with EHCP or Statement	3.7%	3.1%	5.4%	3.5%	3.7%
SEND without EHCP or Statement	31.7%	28.8%	29%	23.2%	21.8%

With proportions at the school being above the national average, it is likely that pupils with SEND, but without an EHCP or Statement, will be affected by this proposal as those in years 7, 8 and 9 will need to find a suitable place at an alternative school for September 2018.

In addition, pupils accessing provision at the hearing impairment SERF located at the school will be affected by this proposal. At the time of writing, there are three pupils within this facility. However, only two pupils will be affected by this proposal

as the third will have left before it is implemented. Given the needs of the remaining pupils, they will be given the option of moving together, when the SERF is relocated, rather than moving at the same time as the other members of their year groups.

With regard to the ethnicity background of the pupils at the school, as at February 2018, the breakdown is as follows:

	WBRI	WOTH	ABAN	APKN	BAFR	MWBC	NOBT	Total
Yr 7	16	3		1	1		4	25
Yr 8	33	4		1		1		39
Yr 9	30	3		1	1			35
Yr 10	39	1						40
Yr 11	51	4	1	1		1		58
Total	169	15	1	4	2	2	4	197

WBRI: White-British; WOTH: Any other White background; ABAN: Bangladeshi; APKN: Pakistani; BAFR: Black-African; MWBC: White and Black Caribbean; NOBT: information not yet obtained.

As can be seen from the table above, the number of pupils at the school from an ethnic minority background is low. OfSTED also noted that the proportion of pupils from minority ethnic backgrounds is below the national average in its latest inspection report, published in December 2017. Pupils moving to a new school may be part of a different ethnicity mix than at Hameldon Community College.

The gender make-up of the pupils at the school is 105 boys and 92 girls.

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

Question 1 – Background Evidence

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief

- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

On 7 December 2017, Cabinet gave approval for the local authority to publish a statutory notice to consult on the proposal to close Hameldon Community College, with implementation commencing from 31 August 2018. The school is a co-educational day secondary school, providing for 11-16 year old pupils of all abilities. In addition to the secondary school, a Hearing Impairment Special Educational Resource Facility (SERF) is also located at the school, providing additional resourced provision for up to 18 students with hearing impairments. There will be an impact on those pupils currently attending the school and those who may wish to attend the school in the future.

The latest OfSTED inspection report, published in December 2017, notes the following characteristics of the pupils at the school:

- The proportion of disadvantaged pupils is well above national levels;
- The proportion of pupils from minority ethnic backgrounds is below the national average; and
- The proportion of pupils who have special educational needs and/or disabilities (SEND) is above the national average.

In 2017, the national figures for SEND showed that 2.8% of children had an Educational Health and Care Plan (EHCP) or a Statement and 11.6% had identified special educational needs or disabilities without an EHCP or a Statement. The statistics at Hameldon Community College are as follows:

	January 2017	January 2016	January 2015	January 2014	January 2013
SEND with EHCP or Statement	3.7%	3.1%	5.4%	3.5%	3.7%
SEND without EHCP or Statement	31.7%	28.8%	29%	23.2%	21.8%

With proportions at the school being above the national average, it is likely that pupils with SEND, but without an EHCP or Statement, will be affected by this proposal as those in years 7, 8 and 9 will need to find a suitable place at an alternative school for September 2018.

In addition, pupils accessing provision at the hearing impairment SERF located at the school will be affected by this proposal. At the time of writing, there are three pupils within this facility. However, only two pupils will be affected by this proposal as the third will have left before it is implemented. The local authority is currently undertaking a Suitability and Sufficiency Study with all of the special schools, SERFs and short stay schools in Lancashire. As part of this study, the local authority's SEND Service will look to relocate the SERF to a suitable secondary school in the east of the county. Whilst this study is taking place, the local authority will continue to work with the two young people remaining in the SERF, along with their families, to identify an alternative provider to meet their special educational needs.

With regard to the ethnicity background of the pupils at the school, as at February 2018, the breakdown is as follows:

	WBRI	WOTH	ABAN	APKN	BAFR	MWBC	NOBT	Total
Yr 7	16	3		1	1		4	25
Yr 8	33	4		1		1		39
Yr 9	30	3		1	1			35
Yr 10	39	1						40
Yr 11	51	4	1	1		1		58
Total	169	15	1	4	2	2	4	197

WBRI: White-British; WOTH: Any other White background; ABAN: Bangladeshi; APKN: Pakistani; BAFR: Black-African; MWBC: White and Black Caribbean; NOBT: information not yet obtained.

As can be seen from the table above, the number of pupils at the school from an ethnic minority background is low. OfSTED also noted that the proportion of pupils from minority ethnic backgrounds is below the national average in its latest inspection report, published in December 2017. Pupils moving to a new school may be part of a different ethnicity mix than at Hameldon Community College.

The gender make-up of the pupils at the school is 105 boys and 92 girls.

Question 2 – Engagement/Consultation

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process.

There is a defined statutory process in the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 which the local authority has followed to allow for a decision to be made on the proposed closure of the school. In line with this process, a stage 1 consultation period took place between 11 September and 20

October 2017 and, as part of this stage, a consultation event was held at the school on 11 October 2017. This event was for parents, staff, governors and any other interested parties to ask questions and make comments on the proposal. At the event, 29 appointments took place, with 43 interested parties in attendance. In relation to the number of parents who attended, they were from nine families. A representative from the National Deaf Children's Society also attended the event, supporting a parent of a deaf child.

By the end of the stage 1 consultation period on 20 October 2017, 124 responses had been received by non-pupils, such as staff, parents, governors and members of the community. In addition, the school undertook a consultation with its pupils and 108 responses were received as a result of this. The National Deaf Children's Society submitted a response as part of this consultation. The outcome of the stage 1 consultation was reported to Cabinet at their meeting on 7 December 2017. As part of this stage, respondents to the consultation were asked to say whether they agreed or disagreed with the option of closing the school. The majority of respondents objected to this option, with 82% of non-pupils and 87% of pupils disagreeing or strongly disagreeing. The main concerns raised regarding equality issues were as follows: how pupils with additional needs will be supported through this process; the SERF provision is required but not necessarily at this location; concerns about the impact on specialist staff within the SERF; and how pupils in the SERF will be supported through their transition to a new school.

Further to the stage 1 consultation and following the publication of the statutory public notice on 16 January 2018, the stage 3 representation period took place between 16 January and 26 February 2018. The full outcome of this representation stage is included within the report being considered by Cabinet at their meeting on 12 April 2018. To summarise the outcome, 12 responses were received, with 11 from individuals and one being a joint response from a seven parents and members of the community. Of these responses, 83% objected to the proposal to close the school and 17% neither agreed nor disagreed. The main concerns raised regarding equality issues were as follows:

- Securing a place at another school and the support arrangements for pupils moving schools, especially those with SEN; and
- Impact on the special education resources facility (SERF).

In addition to the above, the other issues and concerns raised through the consultation were as follows:

- Alternative uses for the site/school;
- The financial position of the school
- Positive comments about the staff at the school;
- The consultation process;
- The cost of travel and new uniforms;
- Impact on local community and businesses; and
- Future increase in pupil population and the need for school places.

Question 3 – Analysing Impact

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few metres further to catch a bus, or to attend school?

Will they be cut off altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?
- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

If the proposal is approved, Hameldon Community College will be closed, with implementation commencing from 31 August 2018. As part of the decision making process, the local authority must take into account concerns about the potential impact on pupils with SEND and those requiring additional support.

All schools are allocated resources to meet the needs of pupils with additional educational needs and they also have a named Special Educational Needs Coordinator (SENCO). The SENCO is responsible for identifying the special educational needs (SEN) of pupils within the school, and ensuring that they receive appropriate support to meet these needs.

The SENCOs of receiving schools will liaise with staff from Hameldon Community College to identify the support necessary for each young person with additional needs, ensuring that information is shared and that support is in place. The majority of pupils with additional needs will have those needs met from within the resources available to all schools. The local authority has been and will continue to support the school in the coordination of this.

A minority of pupils who have complex needs will have a Statement of Special Educational Needs (SSENs) or an Education Health and Care Plan (EHCP). This will often mean that the school will receive some additional funding in order to meet these complex needs. Should Hameldon Community College close, the local authority will ask the school to undertake a review for each pupil with SSENs or EHCPs in order to discuss the possible alternative schools with parents and the pupils themselves. The local authority will also support pupils and their families to identify an alternative school which can meet the pupil's needs. They will ensure that any managed move runs as smoothly as possible and that the funding is transferred. They will also issue a new EHCP to name the new setting.

With regard to accessibility for pupils with special educational needs and disabilities, the local authority is satisfied that the alternative schools in the district will provide suitable facilities for these young people.

The Information, Advice and Support (IAS) Team is also available to support families of children with SEND.

With regard to the pupils currently accessing provision in the SERF who will be affected by the proposed closure, the local authority's SEND service will identify a secondary school in the east of Lancashire that can meet their needs and, through the pupil's EHCP, support the school in doing this. As part of the SEND Suitability and Sufficiency Study, the provision in the SERF will be relocated. In September 2017, there were five pupils accessing provision in the SERF. During the stage 1 consultation, two of these pupils expressed a preference to move school and the SEND service accommodated these moves. Please note, as a new location for the SERF has yet to be identified, it is not possible to know whether this will have an adverse impact on the travel time of those pupils currently accessing this facility. However, it is acknowledged that this is a possibility.

The local authority has also considered any potential negative impact of the proposal in relation to travel time and the cost of this. The closest alternative schools measured by walking distance from Hameldon Community College are:

Burnley High School	2.0 miles
Blessed Trinity RC College	2.2 miles
Shuttleworth College	2.2 miles
Unity College	2.4 miles
Sir John Thursby Community College	3.1 miles

Eligibility for home to school transport is measured from the child's permanent home address to school so the above distances are only a guide as to the possible distances as they are based on Hameldon Community College's site. The local authority will provide transport assistance to the following groups of pupils who live in Lancashire and attend Hameldon Community College at the time that their year group is scheduled to move to another school:

- Pupils who live over 3 miles* away from the school they move to provided it is their nearest suitable school

- Pupils who live over 3 miles* away from their allocated school even when it is not their nearest suitable school (this is an exception to current policy)

*For those pupils from low income families (these are pupils who are eligible for free school meals or the parents are receiving the maximum amount of working tax credit) then travelling expenses will be awarded where the school they move to is one of their three nearest schools from their home and the distance from home to the school is between **two** and six miles.

Free transport must also be provided where walking routes are not suitable, regardless of the distance from home to the nearest school. Parents have the primary responsibility for ensuring their child's safe arrival at school and the suitability of routes are assessed on the basis that parents are accompanying their child to school. Whilst lonely routes or those that could pose 'moral dangers' are taken into account, they are not normally classed as unsuitable routes. Footpaths and roadside verges are classed as suitable walking routes subject to verges being wide enough and there being suitable crossing points. The Home to Mainstream School Transport Policy 2017/18 provides specific detail on the assessment of routes for suitability purposes. Parents are able to appeal to the local authority's Student Support Appeal Committee about home to school transport decisions.

All pupils with an EHCP will have an annual review to work with the pupil and their families to identify an alternative school. Part of this annual review will be a discussion on transport and the inclusion of travel training in EHCPs as appropriate.

With regard to the education standards across the other state-funded secondary schools shown above, OfSTED has judged four of these as 'Good' and one as 'Requires Improvement'. This is Shuttleworth College, which is currently on track to be judged 'Good' at its next inspection. All of these alternative schools have higher educational standards than Hameldon Community College, which will facilitate improved educational attainment and outcomes for current and future pupils in the area.

It is noted that if the decision is taken to close the school, some pupils may feel an impact from having different teachers and being in year groups and classes with different pupils. It may be that, depending on which alternative schools pupils move to, some pupils may move to a school without any of their current friends. This may be particularly difficult for those pupils with SEND.

As noted by Ofsted, and also the figures set out earlier in this report, the proportion of pupils from minority ethnic backgrounds is below the national average. The local authority is aware that, should the school close, pupils may move to a school with a higher proportion of ethnic minority pupils.

Should the decision be taken to close the school, there will be implications for the staff currently employed by the school. The local authority has experience in staff redeployment and retraining and has a good record in avoiding compulsory redundancies. Currently, a third of the staff in the school are either temporary or employed on a supply basis.

Question 4 –Combined/Cumulative Effect

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits). Whilst LCC cannot control some of these decisions, they could increase the adverse effect of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

None anticipated.

Question 5 – Identifying Initial Results of Your Analysis

As a result of your analysis have you changed/amended your original proposal?
Please identify how, for example:

- Adjusted the original proposal – briefly outline the adjustments
- Continuing with the Original Proposal – briefly explain why
- Stopped the Proposal and Revised it - briefly explain

No – the original proposal will be continued in the interests of securing higher educational standards for current and future pupils in the area.

Question 6 - Mitigation

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

The local authority has considered the potential impact of the proposal on pupils with SEND and pupils with additional support needs currently on roll at Hameldon Community College, including those accessing specialist provision in the SERF. To ensure that any potential negative impact on these pupils is minimised, officers from the SEND service will work with the school to identify suitable alternative school places.

If the proposal to close the school is approved, the local authority will support parents to make arrangements for alternative schools and assess their eligibility for

assistance with school transport.

All pupils with an EHCP will have an annual review to work with the pupil and their families to identify an alternative school. Part of this annual review will be a discussion on transport and the inclusion of travel training in EHCPs as appropriate.

The implementation of this proposal will be phased so that the impact on pupils is minimised where possible. In this way, the pupils that will be directly affected by any closure of Hameldon Community College would be those in current year groups 7, 8 and 9, who would need to move to an alternative school for September 2018. The current year group 11 will be able to remain at the school until they complete their key stage 4 education and take their GCSEs. Arrangements will also be made for pupils currently in Year 10 to remain on roll at Hameldon Community College to complete their key stage 4 education, take their GCSEs and leave 11-16 provision in August 2019. Year 10 pupils who opt to do this would be kept together as a group and will remain on the current site of Hameldon Community College to complete their key stage 4 education. Should the proposal be approved, the local authority will ensure that intensive support continues to be provided to the school with the aim of ensuring that the pupils who remain on roll receive a quality education and are not disadvantaged by the impact of closure.

If required, the local authority will provide advice and support to the alternative schools in order to help with the integration of pupils from Hameldon Community College.

With regard to staffing, the local authority has experience in staff redeployment and retraining and has a good record in avoiding compulsory redundancies. Should the decision be taken to close the school, the local authority will work with the school to minimise the disruption to staff as far as possible.

Question 7 – Balancing the Proposal/Countervailing Factors

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

The proposal has been made in accordance with by The Education and Inspections Act 2006; The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013; and DfE guidance 'School Organisation: Maintained Schools: Guidance for Proposers and Decision Makers'. The Cabinet reports dated 7 December 2017 and 12 April 2018 provide full reasons for the proposal and the possible impact, should this proposal be approved, as well as details of the local authority's powers and responsibilities around school place commissioning and the

provision of high quality school provision for pupils and the benefits to pupils in attending alternative schools with higher educational standards as judged by Ofsted.

Having undertaken the required stages in the statutory process, the original issues and concerns held by the local authority in relation to Hameldon Community College remain valid. These are based on concerns about the quality of current educational standards, the school's financial deficit position and pupil numbers. Despite the efforts of the school and the support of the local authority, it has been unable to make sustained improvements over time. This gives the local authority significant concerns that the school would not be able to make the necessary improvements to educational standards and attract sufficient pupils to ensure they can operate a financially viable school. Therefore, the local authority must take action to address this and meet its statutory duty to secure high quality school places for the residents of Burnley.

Question 8 – Final Proposal

In summary, what is your final proposal and which groups may be affected and how?

The proposal is to close Hameldon Community College, with implementation commencing from 31 August 2018. The main groups affected are pupils currently attending the school and their families, with a focus on those in current year groups 7, 8 and 9.

Question 9 – Review and Monitoring Arrangements

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

Once a decision has been taken to close the school, the local authority is legally obliged to implement the proposal. Through the school adviser to the Burnley secondary schools, the local authority would routinely ask in general terms whether new pupils have settled and whether they are making good progress, but would not discuss this at individual pupil level. It is expected that the Headteachers of receiving schools will be tracking progress carefully.

Equality Analysis Prepared By: Sarah Hirst

Position/Role: Skills and Employability Lead

Equality Analysis Endorsed by Line Manager and/or Chief Officer: Ajay Sethi, Head of Learning and Skills

Decision Signed Off By: Ajay Sethi; Cabinet Member for Children, Young People and Schools

Cabinet Member/Chief Officer or SMT Member: Ajay Sethi; Cabinet Member for Children, Young People and Schools

Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.

Where specific actions are identified as part of the Analysis please ensure that an EAP001 form is completed and forwarded to your Directorate's contact in the Equality and Cohesion Team. Directorate contacts in the Equality & Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager
Karen.beaumont@lancashire.gov.uk
Contact for Adult & Community Services Directorate

Jeanette Binns – Equality & Cohesion Manager
Jeanette.binns@lancashire.gov.uk
Contact for Environment Directorate, Lancashire County Commercial Group and One Connect Limited

Saulo Cwerner – Equality & Cohesion Manager
Saulo.cwerner@lancashire.gov.uk
Contact for Children & Young Peoples Directorate

Pam Smith – Equality & Cohesion Manager
Pam.smith@lancashire.gov.uk
Contact for Office of the Chief Executive and the County Treasurer's Directorate

Thank you