

## Report to the Cabinet

Meeting to be held on Thursday, 10 August 2017

### Report of the Corporate Director of Operations and Delivery

#### Part I

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

### Secondary Education Provision in Burnley

(Appendices 'A' to 'D' refer)

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#### Executive Summary

The purpose of this report is to seek approval to undertake a formal consultation on the future of Hameldon Community College, Burnley, in order to secure educationally and financially viable high quality provision for the future in the area. The report proposes stage 1 consultation on the possible closure of Hameldon Community College, due to concerns about the quality of current educational standards, the school's financial deficit position and pupil numbers. The report identifies the reasons for the proposal and sets out the process to be followed in undertaking potential closure of a maintained school.

#### Recommendation

The Cabinet is recommended to:

- (i) Consider the information in this report.
- (ii) Approve the proposal that stage 1 consultation be undertaken, starting in September 2017, on the proposed closure of Hameldon Community College, Burnley with effect from 31 August 2018.

#### Background and Advice

Hameldon Community College is an 11-16 local authority maintained community school located in Burnley. The most recent inspection of the school was in July 2015 when, overall, the school was judged to require improvement. At this inspection, both leadership and management and pupils' personal development were judged to

be good. As at January 2017, the school had 296 pupils on roll and the number of pupils expressing a first preference for September 2017 admission to the school was just 35. 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.

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 the school's future. Lancashire County Council's 'School Place Provision Strategy 2017/18 to 2019/20', which is currently draft, identifies concerns around educational and financial viability as being reasons for making a closure proposal. The Department for Education's (DfE) 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.'

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 'Requires Improvement' and, as at January 2017, pupil numbers range from below 300 in the smallest school to almost 1,300 in the largest. It should be noted that the free school only has three year groups at present, having only been established in 2014. 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.

### **Key Factors for Consideration**

A number of key factors have been taken into consideration in relation to this proposal and these are: educational standards; inspection outcome; pupil numbers and admissions; and financial viability. Pupils at the school are currently not in receipt of a broad and balanced statutory curriculum and more detail can be found in Appendix 'A'. The key information and findings on the factors outlined above can be found in Appendices 'A' and 'B'. Appendix 'C' sets out a map of the area which shows where all the secondary schools in the area are located and Appendix 'D' is a letter from the Chair of Governors at Hameldon Community College, asking the authority to consider the long term future of the school.

### **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 5 statutory stages for a proposal as set out below:

Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Consultation	Publication	Representation	Decision	Implementation
Likely to be no longer than 12 months and a minimum of 6 weeks during school term time is recommended	This requires publication of the statutory notice in an appropriate local newspaper and on the school premises and at all entrances of the school within 12 months of the consultation. An accompanying proposal is also required	Must be a minimum of 4 weeks, from the date the statutory proposal is published	LA will be the decision-maker and must determine proposals within 2 months. If longer, it must be referred to the schools adjudicator within a week of the end of the 2 month period	No prescribed timescale but proposers must be expected to show good reason if the timescale is longer than 3 years

A broad timetable, which is subject to change, for the overall process to be applied in respect of a proposal to close Hameldon Community College is set out below:

Action	Start
Cabinet approval to consult	10 August 2017
Stage 1 Consultation	During Autumn term 2017
Report back on consultation and Cabinet decision whether to publish Statutory Notice	December 2017
Stage 2 and 3 Publication of Statutory Notice and representation period	January/February 2018
Stage 4 Decision	March/April 2018
Stage 5 Implementation	31 August 2018

## Conclusion

As can be seen from the information in Appendix 'A', the status quo position is untenable given the educational standards, financial deficit and pupil numbers. There have been attempts over a number of years to find a suitable academy sponsor for the school which would allow it to become part of a Multi Academy Trust (MAT). It is likely that the nature of the Public Finance Initiative (PFI) funding of the school building has deterred potential sponsors.

## Consultations

The Governing Body of Hameldon Community College wrote to the local authority setting out their concerns in relation to the school meeting its statutory responsibilities. The letter can be found at Appendix 'D'. The Governing Body has

asked the local authority to consider the long term future of the school. The report is requesting further statutory consultation in order to determine the proposal.

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

The 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 DfE and Ofsted to be failing in its statutory responsibilities. Alternative school places can be secured for current pupils affected by the proposed closure.

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 temporary employees and on a daily supply rate.

The latest Ofsted inspection, undertaken in July 2015, judged the school as 'Requires Improvement' and the school will be subject to a further Ofsted inspection shortly. As outlined in Appendix 'A', the inspection history of the school since 2007 has been poor, being placed in a category of concern three times and it has never been judged to be good overall. Despite additional support from the local authority, including financial support, over a significant period from 2008 to date, the school has not found it possible to sustain any improvements made. The local authority considers, should the school be re-inspected, it would be judged as requiring special measures.

### **Financial**

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. As can be seen at Appendix 'A', 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.

When a school is closed by an authority, any balance (whether surplus or deficit) reverts to the authority. The 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 authority. The

Lancashire Schools Forum has an established reserve for some strategic school deficits. The authority will continue to receive Dedicated Schools Grant (DSG) funding for the pupils when they relocate to new schools within the county.

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). This means that there are risks associated with the financing of the current annual PFI contract of £4.1m if the premises do not remain in use.

### **Equality and Diversity**

A full Equality Analysis will be completed and reported at the determination stage of the proposal.

### **List of Background Papers**

Paper	Date	Contact/Tel
N/A		
Reason for inclusion in Part II, if appropriate		
N/A		