

## 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:

<b>Support</b>	<b>Neither agree nor disagree</b>	<b>Object</b>
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:

<b>Action</b>	<b>Start</b>
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 <b>September 2018</b> to continue Key Stage 3
Year 8	Will move to other local schools to complete Key Stage 3 in <b>September 2018</b>
Year 9	Will move to other local schools in time to start Key Stage 4 and GCSE options in <b>September 2018</b>
Year 10	<b>Will be given the opportunity to remain on the roll at Hameldon</b> to complete Key Stage 4 and leave 11-16 provision in August 2019
Year 11	<b>Will remain on the roll at Hameldon</b> 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:

<b>Autumn 2017 Forecast Data and 2016 Housing Land Supply</b>	<b>Pupil Places</b>
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, <b>excluding</b> housing and migration impact	5465
Projected number on roll in 5 years, <b>including</b> 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
<b>Total</b>		<b>1079</b>	<b>1067</b>	<b>1046</b>	<b>955</b>	<b>888</b>	<b>1150</b>	<b>5750</b>

(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
<b>Total</b>		<b>1079</b>	<b>1067</b>	<b>1046</b>	<b>955</b>	<b>888</b>	<b>1150</b>	<b>5750</b>

(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
<b>Total</b>		<b>1031</b>	<b>1018</b>	<b>949</b>	<b>887</b>	<b>858</b>	<b>4743</b>	<b>1150</b>	<b>5750</b>

(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
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Blessed Trinity RC College	VA	266	265	261	254	242	1288	250	1250
Shuttleworth College	FT	153	157	141	129	154	734	210	1050
<b>Total</b>		<b>1031</b>	<b>1018</b>	<b>949</b>	<b>887</b>	<b>858</b>	<b>4743</b>	<b>1150</b>	<b>5750</b>

(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
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<b>Total</b>		<b>1079</b>	<b>1067</b>	<b>1046</b>	<b>955</b>	<b>888</b>	<b>1150</b>	<b>5750</b>

(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 <b>September 2018</b> to continue Key Stage 3
Year 8	Will move to other local schools to complete Key Stage 3 in <b>September 2018</b>
Year 9	Will move to other local schools in time to start Key Stage 4 and GCSE options in <b>September 2018</b>
Year 10	<b>Will be given the opportunity to remain on the roll at Hameldon</b> to complete Key Stage 4 and leave 11-16 provision in August 2019
Year 11	<b>Will remain on the roll at Hameldon</b> 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.

<b>Autumn 2017 Forecast Data and 2016 Housing Land Supply</b>	<b>Pupil Places</b>
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, <b>excluding</b> housing and migration impact	5465
Projected number on roll in 5 years, <b>including</b> 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.