

## Report to the Cabinet

Meeting to be held on Thursday, 12 April 2018

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

#### Part I

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

### Proposed Closure of Hameldon Community College, Burnley

(Appendices 'A' to 'D' refer)

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#### Executive Summary

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

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

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

#### Recommendation

The Cabinet is asked to:

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

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

## **Background and Advice**

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

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

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

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

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

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

### **Closing a Maintained Mainstream School: Guidance and Process**

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

<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

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

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

Appendix 'A' - LCC's published statutory notice

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

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

Appendix 'D' – Equality Analysis Toolkit

## **Factors Relevant to all Types of Proposal**

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

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

## **Conclusions**

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

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

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

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

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

### **Implications:**

This item has the following implications, as indicated:

### **Risk Management**

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

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

### **Financial Implications**

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

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

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

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

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

### **Equality and Diversity**

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

### **List of Background Papers**

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A