

Brighton & Hove City Council

Cabinet

Agenda Item 12

Subject: The Future of Homewood College

Date of meeting: Thursday 27 June 2024

Report of: Cabinet Member for Finance and City Regeneration

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Ward(s) affected: All Wards

Key Decision: Yes

Reason(s) Key: It is significant in terms of its effect on communities living or working in an area comprising two or more wards

For general release

1. Purpose of the report and policy context

- 1.1 The Council Plan 2023 to 2027, A Better Brighton & Hove for All, outlines a vision of a city where people thrive in which a better future for children and young people is secured. The Council supports the provision of high quality and inclusive education and is proposing the closure of Homewood College a community Special School for pupils aged 11-16 located at Queensdown School Road, Brighton, to take effect from 31 December 2024.
- 1.2 The school was rated inadequate after an Ofsted Inspection in December 2021. From September 2024 the Council has determined to no longer commission places at the school due to concerns about the ability of the school to provide high quality and inclusive education for the city's children and young people. The Cabinet is asked to approve a consultation to consider closure of the school. The Cabinet Member Finance and City Regeneration will then review the outcome of that consultation and decide whether to progress the proposals to Statutory Notices. Once the necessary statutory closure processes have been completed the final decision whether to close the school will be a Key Decision and therefore will be taken by Cabinet.

2. Recommendations

- 2.1 Cabinet agree to consult on the closure of Homewood College to take effect on 31 December 2024.
- 2.2 Cabinet agrees that following the outcome of the consultation authority is delegated to the Cabinet Member Finance and City Regeneration to consider the outcome and make the decision whether to continue the closure process and publish a statutory notice.

- 2.3 Cabinet agrees that the outcome of the representation period following publication of the statutory notice returns to Cabinet in November 2024 for a final decision regarding closure.

3. Context and background information

- 3.1 Homewood College is a community special school for secondary aged pupils with social, emotional and mental health (SEMH) needs. All pupils who attend the school have an Education, Health and Care Plan (EHCP).
- 3.2 Whilst the Council has formally commissioned the school to admit up to 50 pupils in the 2023/24 academic year, the school currently has 35 pupils on roll, of which 15 are in Years 7-9, 19 are years 10-11 and 1 is year 12. 13 pupils will be leaving to move onto post 16 at the end of the current academic year.
- 3.3 The school received an inadequate judgement following an Ofsted inspection in December 2021 and has been subject to 'special measures' over the 2 years since. It has received four monitoring visits since the inspection in December 2021 and remains inadequate.
- 3.4 The school has been subject to an Academy Order since February 2022, but no Academy Trust has been identified by the Department for Education to sponsor the school.
- 3.5 The school's end of year budget position in the 2022/23 financial year was a cumulative overspend of £343,000. The final outturn position for the 2023/24 financial year is a cumulative overspend of £709,000, meaning the deficit increased by £366,000 in 2023/24. As the deficit is cumulative and will be impacted by the number of pupils attending the school, it will continue to escalate unless action is taken. The school's funding comes from the High Needs Block allocation of Dedicated Schools Grant. This block is currently under pressure with increasing pressures in a number of areas.
- 3.6 Despite the efforts that have been made over the last two years to improve the provision by school leaders and staff working with Council services, some of the problems facing the school are complex and long-standing and the quality of education at the school, as well as attendance by pupils, has been declining.
- 3.7 With the support of the Department for Education's Regional Director for South-East, the Beckmead Academy Trust has been offering support to the leadership of the school. However, the Trust's support is only short-term and it is not in a position to offer permanent sponsorship to the school.
- 3.8 Council officers remain concerned that fewer than half the 36 pupils on the school roll have attended the school site this academic year and, for those who are attending, the quality of education is unsatisfactory and outcomes for pupils have not been good enough.

- 3.9 In January 2024 the school's cohort was 77.1% eligible for free school meals. No pupils had English as an additional language and 6% of the school population was categorized by the DfE as BAME. 6% of pupils are currently looked after.

Current Timetable Arrangement

- 3.10 Staff absence has been a long-standing issue at the school and has been commented upon as an issue in every Ofsted monitoring visit undertaken by His Majesty's Inspector since the school received its inadequate rating and went into 'special measures' in December 2021. These levels of absence create safety issues on site and have led to full and partial closures over the past two years, often at short notice; thereby disrupting the provision of education to the pupils at the school.

Safety Review

- 3.11 Responding to a range of concerns being raised by staff in relation to safety at the school, the council commissioned an external review of safety in March 2024 and asked for the review and reporting to take place as quickly as possible. The team was led by an external SEND consultant working with three senior colleagues from the Council, including the Senior Specialist SEMH Teacher in BHISS and the Health and Safety team. The full report is supplied as Appendix 1.
- 3.12 The report concluded that at the time of the review, the school appeared safe overall. However, the report noted that safety is not a fixed state and that the ability of the whole staff to pull together as a team to support the new management is key to the maintaining the safety of the school community. Some recommendations were made for further improvement in areas relating to safety and these are now the subject of an action plan by the school.

Consultation on future arrangements

- 3.13 The Council consulted with families of pupils at the school at the same time as staff were consulted. Parents and carers were offered the choice of a face-to-face consultation meeting and an online meeting, as well as the opportunity to submit views in writing. A total of four parents attended these two meetings. One parent submitted views in writing. In addition, all parents and carers were contacted individually by the Council and annual reviews of pupils' needs were brought forward such that all review meetings took place by 2 May 2024.
- 3.14 Many parents have been very concerned about the situation at the school and its ability to meet their children's needs, especially for those pupils who have not been attending regularly or at all. However, parents were understandably concerned about whether new placements for their children would be able to meet their needs and wanted detail and certainty about proposals as soon as possible.

- 3.15 The Council has been able to provide increasing levels of detail about plans for September in relation to the planned new provision at St George's House, which it is proposed will be the next placement for the 18 of 23 remaining pupils who will be in Key Stage 4 in September. Of the pupils who will still be in Key Stage 3 in September, new placements are being sourced and arrangements are in progress for transfer.
- 3.16 The Council conducted a staff consultation between 29 February 2024 to 18 April 2024 on proposals to make the staff at Homewood College redundant from 31 August 2024, due to the proposed de-commissioning of places at Homewood College.
- 3.17 Staff received the outcome report on 9 May 2024 which determined that staff would be entitled to receive an enhanced redundancy package should they not be able to secure a redeployment opportunity by the end of the academic year. Whilst staff remained frustrated with the conclusions of the report including a sense that the impact of introducing The Beckmead Academy Trust has not been fairly reported, the conclusions stand. As a result, staff will receive notification of the decision to make them redundant from 31 August 2024 in line with their contractual notice period.
- 3.18 In September 2024 no places will be commissioned at Homewood College, no pupils will receive their education at the school and the staff will have been redeployed or made redundant. Therefore, it is proposed to undertake the formal process to close the school and formally seek the Regional Director's agreement to lift the Academy Order.
- 3.19 A request has been made by the Regional Office for Education (DfE) to the Secretary of State to lift the Academy Order on Homewood College, which would allow the council to take the necessary steps to consider closure of the school. An agreement in principle has been given, subject to confirmation of the relevant timescales for the consultation on closure.
- 3.20 It is not yet known what the impact of the pre-election period and forthcoming General Election will have on the actions of the regional office or future Secretary of State. However, every effort will be made to ensure the same trajectory of decision making remains.

Next steps

- 3.21 The Council is proposing to move existing pupils to higher quality provision from the beginning of the autumn term 2024. The Council has carried out annual reviews of the provision for all pupils at the school and has discussed alternative placements with families and is in the process of securing alternative placements for the very small number of pupils in Key Stage 3 for September 2024.
- 3.22 For the large majority of pupils who will be in Key Stage 4 in September 2024, there will be placements available at a new provision being opened at St George's House in Dyke Road. This site is a building formerly used by the Pupil Referral Unit which has been unoccupied since July 2023. It is

currently being refurbished to allow a cohort of pupils to join in September. This will be a facility for Key Stage 4 pupils with SEMH, focused on preparation for adulthood, transition to the next phase of education, employment or training. The facility will provide a programme of on-site education and alternative provision with third party providers, individually tailored to the interests and aptitudes of pupils. There will also be a strong focus on building relationships with parents and carers and working together with families to ensure improved attendance and positive outcomes.

- 3.23 As previously stated, the Council does not underestimate the potential impact of this proposed change on the pupils at the school, whose circumstances may already make them vulnerable. The Council recognises the school serves some disadvantaged families and therefore professional support, from the support services such as Educational Psychology will be put in place to facilitate the movement of those pupils to different settings and minimise the impact of change upon them.
- 3.24 Should the Council publish statutory proposals to close the school following the formal consultation period the Council will be required to outline how the Local Authority believe the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for the SEMH pupils with EHCPs. The Council is confident that by this time a clear understanding of how their needs will be met will be available and will follow on from the report being taken to the same Cabinet as this one.
- 3.25 The council would require the prior consent of the Secretary of State for education to dispose of any school land if it was deemed surplus to requirements. The process for disposing of or changing the use of a building previously used as a school is set out in the non-statutory guidance [‘Involving the Secretary of State in land transactions non-statutory guidance on how and when to involve the Secretary of State in transactions involving land held for the purpose of a school’](#) published in September 2021.
- 3.26 The Secretary of State may:
- approve the application with or without conditions; or
 - refuse consent; or
 - may separately consider whether to make a scheme under paragraph 1 of Part 1 of Schedule 1 to the Academies Act 2010 to transfer land that is held by a local authority and has been used wholly or mainly for the purposes of a school within the last eight years but is (or is about to be) no longer so used. Any use of the power would allow the authority to make representations.
- 3.27 This process can take some considerable time to complete and until the outcome is known the council will be in the position of having to maintain an empty building. The guidance advises that no changes should be made until such time as the Secretary of State has made their decision. It is not unusual for this process to take up to two years from the point of making the application to the decision being made.

Statutory Process

- 3.28 In order to achieve any reorganisation of provision, including closure, the Council must comply with the School Organisation legislation, the Education and Inspections Act 2006, and statutory guidance published by the Department for Education. Both the legislation and guidance set out the steps which the Council must take when making any decisions on proposals to reorganise school provision. The DfE published [Opening and closing maintained schools Statutory guidance for proposers and decision makers](#) in January 2023.
- 3.29 The statutory process for closing a school involves five stages:
- (i) Consultation
 - (ii) Publication of statutory notices
 - (iii) Four week representation period
 - (iv) Decision on the proposal
 - (v) Implementation
- 3.30 If a Local Authority proposes to close a school, then it must carry out a period of statutory consultation. How the consultation is carried out is not prescribed in the legislation, it is for the Local Authority to determine its nature and length. However, good practice dictates that it should last for a minimum of six weeks and if possible, should avoid school holidays in order that the maximum number of people can respond.
- 3.31 The DfE Guidance sets out a number of reasons for closing schools, which include the following:
- There are surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicted demand for the school in the medium to long term
 - It is to be amalgamated with another school
 - It has been judged inadequate by Ofsted and the Secretary of State has revoked the academy order;
 - It is no longer considered viable.
- 3.31 It is proposed to start the consultation on 8 July 2024 and for it to run for nearly 8 weeks and 3 days concluding on 5 September 2024. There will be two consultation events an in-person event and an online meeting.
- 3.32 Details of these meetings will be provided and the consultation will be hosted on the Council's consultation portal which will set out full details of the proposals. Consultees will be able to respond to the following question:
- Do you agree that the council should close Homewood College from 31 December 2024?
 - Any comments or reasons for your answer?

Responders will be able to indicate the extent to which they agree or disagree (Strongly agree/Tend to agree/Neither agree nor disagree/Tend to

disagree/Strongly disagree/Don't know or not sure/Not Answered) with the proposal and provide a comment in a free text box.

- 3.33 A report on the outcome of the consultation will be presented to the Cabinet member detailing the response to the consultation and making recommendations about the next steps.

Proposed Timeline for the full Consultation Process on Closure

27 June 2024	Cabinet requested to approve the launch of a public consultation to propose closure of Homewood College
8 July 2024	Public consultation starts
5 September 2024	Public consultation ends
26 September 2024	Cabinet Member Finance and City Regeneration considers the outcome of the public consultation process and decides whether to publish statutory notice
7 October 2024	4 week representation period commences
4 November 2024	4 week representation period ends
14 November 2024	Cabinet considers the outcome of the representation period and decides whether to agree proposal to close
25 November 2024	If decision to close has been made this will be confirmed and can be implemented following 'call-in' period
31 December 2024	School officially closes

4. Analysis and consideration of alternative options

- 4.1 As the school has been under an Academy Order since February 2022, alternative options for the Council have been limited. Although a school under an Academy Order remains a maintained school until it transfers to an Academy, the ability of the Council to make long term plans for the school is adversely affected, and particular difficulties arise if no Academy Trust is prepared to sponsor the school, as has been the case here.
- 4.2 Difficulties arise for staff, who are uncertain about longer-term employment and recruiting and retaining staff becomes problematic also leading to expensive temporary appointments through agencies. This is especially the case for school leaders, and particularly for recruiting a permanent Headteacher, as a prospective Academy Trust may well want to put their own staff in charge.
- 4.3 The school has kept its inadequate rating through four monitoring visits by Ofsted. As outlined in paragraph 3.6 above, the Council remains concerned about the attendance of pupils and the quality of education they have been receiving. Therefore, to maintain the provision in some format does not appear to be a credible alternative option.

4.4 The school's financial position impacts further on the ability to implement alternative options. The Council is currently having to consider remedial action in relation to the spend against the High Needs Block and the school's budget had a £709,000 deficit at the end of the 2023/24 financial year, against a forecast end of year position of £343,000.

5. Community engagement and consultation

5.1 If agreed, it is proposed to start the consultation on the proposal to close the school on 8 July 2024 and for it to be concluded on 5 September 2024. A total of 8 weeks and 3 days.

5.2 It is proposed that there will be two public engagement events to provide an opportunity for discussion about the proposals.

5.3 A consultation response form will be available on the Council's consultation portal and interested parties will be able to leave a phone message for someone to call them back and take down their response over the telephone, should they not be able to complete a response form online.

5.4 Attention will be given to engaging sections of the community who may not previously have participated with public consultations such as those with protected characteristics and this is considered within the Equalities Impact Assessment (Appendix 2).

6. Financial implications

6.1 Homewood College finished the 2022/23 financial year with an overspend of £343,000. The final outturn position for the 2023/24 financial year is a cumulative overspend of £709,000, meaning the deficit increased by £366,000 in 2023/24. This is despite the school being funded for 50 places in 2023/24 and actual numbers being below this.

6.2 The Academy Order that is in place as a result of the inadequate Ofsted judgement means that the deficit at the point of academisation or closure will be a cost to the Council's general fund budget.

6.3 One of the major factors relating to the deficit is the high level of staff absence and the resultant cost of agency staff. This, together with a reduced number of pupils and lower funding levels, will mean that the deficit is likely to significantly escalate further if no action is taken.

6.4 In addition to the cost of the deficit to the Council's general fund there will also potentially be additional costs relating to redundancies if the school is to close.

6.5 Alternative arrangements being implemented should provide higher quality educational placements offering better value for money. To quantify this, the average unit cost of a placement at Homewood in 2023/24 was approximately £30,000, whereas the expected unit cost of a re-commissioned placement is £25,000. This means the expected annual future saving for 50 places would equate to £250,000.

Name of finance officer consulted: Steve Williams Date consulted: 12/06/24

7. Legal implications

- 7.1 In order to achieve any reorganisation of provision the Council must comply with the School Organisation legislation, the Education and Inspections Act 2006 and associated regulations, and statutory guidance “Opening and closing maintained schools - Statutory guidance for proposers and decision makers” (January 2023) published by the Department for Education. Both the legislation and guidance set out the steps which the Council must take before making any decisions on proposals to reorganise school provision.
- 7.2 If a Local Authority proposes to close a school it must carry out a period of statutory consultation. As the closure proposals relate to a community special school the LA is required to consult with a prescribed list of consultees as set out in section 16 of the Education and Inspections Act 2006 which includes registered parents of registered pupils at the school and any other LA which maintains an EHCP in respect of a registered pupil at the school.
- 7.3 The nature of the consultation is not prescribed in the legislation, it is for the Local Authority to determine its nature and length. However, the DfE statutory guidance recommends that it should last for a minimum of six weeks and if possible should avoid school holidays.
- 7.4 The outcome of the consultation will be brought back to the Cabinet Member Finance and City Regeneration for consideration in September 2024. At that stage a decision will be made whether to move to the next stage of the process and publish statutory notices.

Name of lawyer consulted: Serena Kynaston Date consulted: 12/06/24

8. Equalities implications

- 8.1 Note that the Council has determined that care experience should be treated as a protected characteristic and this is reflected in the Equalities Impact Assessment template and guidance notes.
- 8.2 An Equality Impact Assessment (EIA) has been carried out on the proposals being recommended to the committee. The assessment can be found at Appendix 2 and the results have been incorporated into the content of the report. The consultation process needs to take account of intersecting factors included but not limited to the following:
- young parents who may be less likely to respond to the consultation
 - issues of accessibility and comprehension of the consultation process including the materials made available
 - ensuring that the decision-making process after the consultation is based on the content not just quantity of replies.

- 8.3 When determining admission arrangements, the council needs to ensure that there are sufficient places available within a reasonable distance for families who may contain members who have special educational needs, disabilities, speak English as an additional language and of various races/ethnicities, amongst other intersections. The council will utilise the EIA to consider how these intersecting characteristics may affect people's experience of transitioning to a new school.
- 8.4 A financially viable school is essential to be able to provide inclusive adjustments for all pupils who attend the school.

9. Sustainability implications

- 9.1 Wherever possible the council aims to reduce the number of journeys to school undertaken by car. The closure of Homewood College could risk a rise in the number of journeys undertaken by car. However future provision may actually be located in more accessible locations than the current location.
- 9.2 Schools are expected to have a School Travel Plan to:
- reduce the number of vehicles on the journey to school
 - improve safety on the journey to school
 - encourage more active and sustainable travel choices
- 9.3 The consultation period will be an opportunity to explore what the potential impacts of this proposed closures will be and the report to Cabinet in late September 2024 can be expected to detail these in more detail.
- 9.4 Consideration will need to be given to the use of the vacant school site should the proposals be agreed.

10. Health and Wellbeing Implications:

- 10.1 Pupils will benefit from a high standard of education provided in an appropriate environment which addresses the key areas of the personal, social, and Mental health curriculum.
- 10.2 The report outlines concerns with the current provision of education for pupils attending Homewood College. From September 2024 it is expected that the provision of education for these pupils will improve and be better suited to their needs. As a result, it can be expected that the mental health and wellbeing of pupils will improve and they will improved access to appropriate education on their health and wellbeing to ensure improved outcomes in later life.

11. Conclusion

- 11.1 Homewood College is an 11-16 Special School located at Queensdown School Road. The school was rated inadequate after an Ofsted Inspection in December 2021 and has been rated inadequate in four subsequent

monitoring visits by Ofsted. In the last two monitoring visits in July and December of 2023, Ofsted judged that school leaders had made insufficient progress to improve the school.

- 11.2 The school had a £709,000 deficit at the end of 2023/24. It is expected to have 23 pupils on roll if it was to remain open and those pupils are not offered an alternative education provision.
- 11.3 The school is currently subject to an Academy Order, but no Academy Trust has agreed to sponsor the school. The Secretary of State has agreed in principle that the Academy Order will be revoked should the Council proceed with school closure. It is currently unclear how the pre-election period and General Election will impact on the decision making of the Secretary of State.
- 11.4 The Council is not proposing to commission any places at the school from September 2024 and has informally consulted with affected parents about that.
- 11.5 Due to the proposals to de-commission the places at the school (i.e. not have any pupils placed at the school), the Council has consulted staff about the possibility of redundancy should staff not be successfully redeployed. Staff remaining until 31 August 2024 will receive an enhanced redundancy package and notices will be issued in line with contractual requirements.
- 11.6 As a result, from September 2024 the school is expected to have no pupils attending, no staff employed by the school and the Council are therefore proposing to consult on the school's closure with effect from 31 December 2024.
- 11.7 There is a statutory process to follow when proposing a school closure and should Cabinet agree to the proposal a public consultation will be held between 8 July 2024 and 5 September 2024. A further report will come to the Cabinet Member Finance and City Regeneration in late September 2024 to review the responses and consider the possibility of issuing statutory notices to close the school. Whereupon a final report will be received by Cabinet after the representation period, outlining the responses and the proposed next steps towards the school's closure.

Supporting Documentation

Appendices

1. Homewood College Safety Review Report
2. Equalities Impact Assessment

