

Brighton & Hove City Council

Individual Cabinet Member – Non-Key

Subject: The Future of Homewood College

Date of Decision: 26 September 2024

Report of: Cabinet Member Finance and City Regeneration

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Ward(s) affected: All 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.
- 1.2 The Council has proposed 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. A public consultation has taken place.
- 1.3 The Cabinet Member Finance and City Regeneration is required to review the outcome of the public consultation and decide whether to progress the proposals to the publication of a Statutory Notice. If published there will be a four-week representation period after which the final decision on whether to close the school will be taken by Cabinet as a Key Decision.

2. Recommendations

- 2.1 That the Cabinet Member Finance and City Regeneration agrees that following the outcome of the consultation held between 8 July – 5 September 2024 the decision is taken to continue the closure process and publish a statutory notice.
- 2.2 That the Cabinet Member Finance and City Regeneration notes that publication of the statutory notice will trigger a four-week representation period which will run from 7 October 2024 to 4 November 2024 during which period any interested parties can comment on the proposal.
- 2.3 That the Cabinet Member Finance and City Regeneration notes that following the representation period a further report will come back to a

meeting of the Cabinet on 14 November 2024 to consider the responses and to make a final decision on closure.

- 2.4 That the Cabinet Member Finance and City Regeneration notes that before any final decision on closure can be taken it will be necessary for the Secretary of State to have exercised her discretion to revoke the Academy Order which the school is currently subject to.

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 attended the school have an Education, Health and Care Plan (EHCP).

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.

The school has been subject to an Academy order since February 2022 however no Academy trust has been identified by the Department of Education to sponsor the school.

- 3.2 The Cabinet report of 27 June 2024 sets out in detail the issues faced by the school which led to the decision of the Council, in consultation with the Department of Education to propose closure of the school. In advance of the proposed closure the Council decided that it would no longer commission places for pupils at the school from September 2024 and that all pupils who remained on roll at the school would be found alternative placements. The Council conducted a staff consultation between 29 February 2024 and 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. This process was implemented and all remaining Homewood College staff were made redundant from that date, in line with their contractual notice period.
- 3.3 From September 2024, there are no registered pupils at the school. The remaining pupils whose secondary phase education had not finished by the end of the academic year 2023-24 have been assigned places in other education settings. The majority of Key Stage 4 Homewood College pupils are now on the roll of a SEMH provision in Brighton and Hove, located at St George's House. This is a satellite site of the Ropemaker's Academy, run by Beckmead Trust.
- 3.4 The majority of Key Stage 3 pupils are now attending the Pupil Referral Unit at Connaught Road. This includes children joining year 7 in September 2024, who were previously likely to be allocated a place at Homewood College.

Statutory Process

- 3.5 The Department for Education has issued Statutory Guidance on the process that must be followed to close a maintained school 'Opening and closing maintained schools - Statutory guidance for proposers and decision makers (January 2023.)'.
- 3.6 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

The timeline for the proposed closure of Homewood College would be as follows:

- 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
- 18 September 2024 Cabinet Member decision paper is published highlighting intention to go to Statutory Notices
- 26 September 2024 Cabinet Member decision is published confirming agreement to the paper and proposal to go to stat notices
- 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

Public consultation

- 3.7 On the 27 June 2024, Cabinet agreed to undertake a public consultation on the proposal to close Homewood College.
- 3.8 The public consultation ran between 8 July 2024 and 5 September 2024. There were two public meetings (one in person and one online) and 19 responses to the online consultation were received. There were no other responses received about the proposals.
- 3.9 5 people attended the in person public meeting. Noone attended the online meeting.

- 3.10 There were a total of 19 responses to the Consultation. 10 responses (53%) stated that they did not agree that the Council should close Homewood College. 3 responses (16%) stated that the school should close and 6 responses (31%) stated that they were not sure.
- 3.11 Respondents express concern over the future of Homewood College and its students and staff, with many highlighting the necessity of specialist SEMH (Social, Emotional, and Mental Health) provision that the college offers. Responders highlighted that remaining provision may not adequately address the needs of children requiring specialist education.
- 3.12 Several responses suggest that the decision to close the school highlighted the inability of previous initiatives to address the school's shortcomings and highlighted the school's strengths in providing life skills and support for pupils. The school's closure would leave a lack of a viable alternatives for the pupils who would attend there in the future.
- 3.13 As outlined in a recent Cabinet paper, the Council is developing its provision with the Pupil referral Unit expanding its placements for Year 7 in September 2024 and September 2025. Key Stage 4 places are being commissioned through a satellite provision provided by the Beckmead Academy Trust and there is an identified need to open another 50 place SEMH special school Satellite site to meet the increased need in SEMH places. The plan is to do this in partnership with a neighbouring local authority to offer a regional solution.

Statutory Process

Full Proposal Information

- 3.14 A Full Proposal Information document can be found at Appendix X which details further information in accordance with section 15 (1) of the Education and Inspections Act 2006. A summary of those points is provided here.

Reasons for Closure

- 3.15 As outlined above and in the Cabinet report of 27 June 2024 Homewood College is a community special school for secondary aged pupils with social, emotional and mental health (SEMH) needs. The school received an inadequate judgement following an Ofsted inspection in December 2021 and has been subject to 'special measures' over the 3 years since. The school is subject to an Academy Order but no Academy Trust has been identified by the Department for Education to sponsor the school. The school's end of

year budget position in the 2023/24 financial year is a cumulative overspend of £709,000, the deficit increased by £366,000 in 2023/24.

- 3.16 The school's funding comes from the High Needs Block allocation of Dedicated Schools Grant. This block is currently under pressure with increasing costs in a number of areas. Following a staff consultation, discussions with the Department for Education and communications with parents involved the Council decided to cease commissioning any places at the school from the end of the 2023/24 academic year. All staff were subject to a formal consultation and all employment was ceased at the school by 31 August 2024.
- 3.17 Department for Education officials have been closely involved with discussions on closure and have no objection to this proposal.

Pupil Numbers and Admissions

- 3.18 Brighton & Hove City Council were the only commissioner of places at Homewood College. In the last 5 years the numbers of commissioned places was between 40 and 50 places per year. With between 34 and 47 places allocated at the start of each academic year.

Displaced Pupils

- 3.19 The Council has moved Homewood College pupils to higher quality provision from the beginning of the autumn term 2024 having carried out annual reviews of the provision for all pupils previously at the school and having discussed alternative placements with families.
- 3.20 For the large majority of pupils now in Key Stage 4 from September 2024, they are placed at a new provision opened at St George's House in Dyke Road. The majority of Key Stage 3 pupils are now attending the Pupil Referral Unit at Connaught Road. This includes children joining year 7 in September 2024, who were previously likely to be allocated a place at Homewood College.

Rural Primary School

- 3.21 These proposals do not relate to a rural primary school.

Balance of denominational provision

- 3.22 These proposed do not relate to a school with denominational provision.

Maintained nursery schools

- 3.23 These proposals do not relate to the discontinuance of a maintained nursery school.

Sixth form provision

- 3.24 These proposals do not relate to the discontinuance of sixth form education.

Special educational needs provision

- 3.25 Supporting those with identified SEMH needs is a vital and growing area of support to children and young people in the city. Homewood College has been a part of the city's response for these children, alongside, where appropriate, provision at the Pupil Referral Unit, support in mainstream schools, support in other special schools and via the use of Alternative Provision.
- 3.26 A report on "Social, Emotional and Mental Health Educational Provision" was accepted at Cabinet on 27 June 2024 which detailed current and forecast SEMH need in the city. It also detailed actions being taken to respond to this need, aligned to the Government's SEND and AP Change Programme, which the city is part of.
- 3.27 Children who were attending Homewood and remain in statutory education, and those that would have typically been allocated a place at Homewood for September 2024 have been provided with suitable placements.

Travel

- 3.28 The nature of Homewood as a special secondary phase school for children with SEMH means that their intake was drawn from all across the city. Therefore, changing the location of where the children are educated will mean shorter journeys for some and longer journeys for others.

Revocation of the academy order and future use of the site/building

- 3.29 As the school remains subject to an Academy Order the Council has been liaising with the Regional Office for Education (DfE) regarding revocation of the Academy Order in order that the Council can make a decision on closure. An agreement in principle to revocation was given at the start of the closure process. The outcome of the consultation has now been provided to the Regional Office and they have advised that they will look to submit a revocation request to the Secretary of State in October for a decision in early November. The Council will be unable to make a final decision on closure until a revocation order has been issued by the Minister.

Equalities

- 3.30 An Equality Impact Assessment on the proposed closure of Homewood College has been completed and is included as Appendix 1. There are no pupils registered to attend the school and no staff remaining employed by the Council. This minimises the immediate implications of any decision to publish statutory notices. However, consideration has to be given to the

ability of residents to be able to make a representation in response to the proposed publication of a statutory notice.

- 3.31 As the school remains subject to an Academy Order the Council has been liaising with the Regional Office for Education (DfE) regarding revocation of the Academy Order in order that the Council can make a decision on closure. An agreement in principle to revocation was given at the start of the closure process.
- 3.32 The outcome of the consultation has now been provided to the Regional Office and they have advised that they will look to submit a revocation request to the Secretary of State in October for a decision in early November. The Council will be unable to make a final decision on closure until a revocation order has been issued by the Minister.
- 3.33 If the decision is taken to close the school, a separate application to the Secretary of State for Education would be required should the Council wish to dispose of any school land should it be 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.

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 Following the public consultation the Cabinet Member Finance and City regeneration could determine not to proceed with the statutory notice to close Homewood College. At this time, the school has no pupils on its roll nor staff employed to work there. As a result, it would be some time before the provision could be restarted through the commissioning of places and the naming of the provision in young people's Education, Health and Care Plans.
- 4.3 The number of responses to the consultation were low and whilst a small majority disagreed with the proposals, consideration needs to be made about the practicalities of not taking forward the next stage of the consultation process, namely publication of statutory notices.

5. Community engagement and consultation

- 5.1 A consultation on the proposal to close the school ran between 8 July 2024 and 5 September 2024. A total of 8 weeks and 3 days. There were two public engagement events to provide an opportunity for discussion about the proposals.
- 5.2 A consultation response form was available on the Council's consultation portal and 19 responses were received.
- 5.3 Three of 19 responses supported the proposal to close the school and there were six responses where the response was 'not sure'.
- 5.4 Should a decision be taken to proceed to the publication of statutory notices, a 4 week representation period will be undertaken when further responses to the proposals can be received. These will then be considered by Cabinet in November 2024 before a final decision is taken on whether to close the school on 31 December 2024.
- 5.5 There will be no public meetings held during a statutory notice period but responses will be able to be shared via the Council's [Your Voice](#) portal where there will be the opportunity to comment.

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 One of the major factors relating to the deficit was the high level of staff absence and the resultant cost of agency staff. This, together with a reduced number of pupils and consequent lower funding levels, meant that the deficit was likely to significantly escalate further if no action was taken.
- 6.3 The Academy Order in place due to the inadequate Ofsted judgement means that the deficit at the point of closure will be a cost to the Council's general fund budget, for which corporate budget provision has been set aside.
- 6.4 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:
09/09/24

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 In accordance with Section 15 of the Education and Inspections Act 2006 (“the EIA 2006”) (as amended) and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 (“the Regulations”), a formal consultation exercise has now been carried out with all interested parties. If the decision is taken to proceed with the proposed closure of Homewood College following this consultation, a statutory notice must be published. Publication of the notice triggers a four-week period of representation during which interested parties are able to comment on the proposal. At the end of this representation period a further report will be brought back to Cabinet.
- 7.3 The Council is required to have ‘due regard’ to the duties set out in Section 149 of the Equality Act 2010 (the Public Sector Equality Duty) in determining the proposal. In order to comply with the public sector equality duty the Committee should have due regard to the analysis of the impact upon those affected by the proposal who have protected characteristics under the Act. This is summarised within the EIA template and the body of the report. Recent government guidance indicates that the general duty requires decision-makers to have due regard to advance equality of opportunity and foster good relations in relation to activities such as providing a public service. As indicated in recent government guidance the duty does not dictate a particular outcome. The level of “due regard” considered sufficient in any particular context depends on the facts. The duty should always be applied in a proportionate way depending on the circumstances of the case and the seriousness of the potential equality impacts on those with protected characteristics
- 7.4 As the school is subject to an Academy Order the Secretary of State for Education must agree to exercise her power under section 5D of the Academies Act 2010 to revoke the order before any final decision can be made on the closure of the school.

Name of lawyer consulted: Serena Kynaston Date consulted 09.09.2024

8. Equalities implications

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.

8.1 An Equality Impact Assessment (EIA) has been carried out on the proposals being recommended to the Cabinet Member Finance and City Regeneration. The assessment can be found at Appendix 1 and the results have been incorporated into the content of the report.

8.2 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 At this time, there are no pupils registered to attend the school and no staff remaining employed by the Council. This minimises the immediate implications of any decision to publish statutory notices. The council needs to ensure that there are sufficient places available to meet the needs of pupils who would otherwise attend Homewood College.

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 future rise in the number of journeys undertaken by car. However, sustainability implications need to be considered alongside those of the effectiveness of the provision and impact on the children, young people and families of those attending Homewood College.

9.2 Should a future decision be taken to close the school consideration will be made as to how best to utilise the remaining resources and on the school's premises. Already there has been opportunity to re-purpose and re-use some of the school's resources which have been suitable for immediate use in other settings.

9.3 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

9.4 The period of statutory notices will be an opportunity to explore what the potential impacts of this proposed closures will be and the report to Cabinet in November 2024 can be expected to detail the responses received and actions that will need to follow.

9.5 Any future use of the site will be subject to a request to the Secretary of State for disposal, in line with statutory guidelines.

10. Health and Wellbeing Implications:

10.1 Pupils are expected to benefit from a high standard of education provided in an appropriate environment named in their Education, Health and Care Plan which addresses the key areas of the personal, social, and Mental health curriculum.

10.2 From September 2024, no pupils remained on the roll of Homewood College and staff whose roles were facing deletion were able to be supported through the process by the Council's HR service and where relevant their own union representatives

11. Conclusion

11.1 Homewood College is an 11-16 Special School located at Queensdown School Road, Brighton. 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 Council has not commissioned any places at the school from September 2024 and remaining staff were made redundant on 31 August 2024. As a result, the school has no pupils attending and no staff employed.

11.3 There were 19 responses to the consultation that ran between 8 July 2024 and 5 September 2024. Whilst only 3 of these supported the proposed closure a further 6 responders were undecided.

11.4 If it is agreed to proceed to publication of a statutory notice, a final report will be received by Cabinet after the representation period, outlining the responses and seeking a final decision on the closure of the school

11.5 If the recommendations in this report are agreed, a statutory representation period of four weeks will run between 7 October 2024 and 4 November 2024 during which any person may make further comments on the proposal.

Appendices

1. Equalities Impact Assessment
2. Draft Full Proposal Information
3. Draft Statutory Notice