

Brighton & Hove City Council

Cabinet

Agenda Item 100

Subject: The Future of Homewood College

Date of meeting: 14 November 2024

Report of: Cabinet Member for Finance & City Regeneration

Contact Officer: Name: Richard Barker, Head of School Organisation

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Ward(s) affected: All

Key Decision: No

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.

1.3 This report seeks approval from the Cabinet to close Homewood College, a community special school for pupils with social, emotional and mental health (SEMH) needs, with effect from 31 December 2024. The proposal follows a period of consultation and the publication of statutory notices. The closure is recommended due to the school's inadequate Ofsted rating, financial difficulties, and the Council's plans to improve SEMH provision across the city.

2. Recommendations

2.1 Cabinet notes the responses received during the representation period following the publication of Statutory Notice on 7 October 2024 proposing the closure of Homewood College.

2.2 Cabinet agrees to the closure of Homewood College with effect from 31 December 2024, subject to the Secretary of State having exercised their 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 SEMH needs. The school received an inadequate Ofsted judgement in December 2021 and has been subject to special measures since then, with no improvement noted in subsequent monitoring visits.
- 3.2 The school has faced significant financial challenges, with a cumulative deficit of £709,000 by the end of the 2023/2024 financial year.
- 3.3 Despite efforts to improve the provision, the school has struggled with declining attendance and unsatisfactory educational outcomes for pupils.
- 3.4 Following consultation with staff, discussions with the Department for Education, and communication with parents, the Council decided to cease commissioning places at the school from the end of the 2023/2024 academic year.
- 3.5 All staff employment at the school ceased by 31 August 2024, and there are currently no pupils on roll.
- 3.6 The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 (“the Regulations”) set out the reasons for closing a maintained school. These include, but are not limited to, where:
- 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;
 - it is being replaced by a new school
- 3.7 When seeking to close a school, the Council is required to follow the processes set out in the Department for Education statutory guidance "Opening and closing maintained schools - Statutory guidance for proposers and decision makers, January 2023" (“the DfE Guidance”). In particular the guidance sets out the considerations that should be taken into account by the decision maker when deciding proposals to discontinue (close) a school. It requires that the decision maker should have due regard to all responses received during the representation period and be satisfied that the proposers has carried out the requirements of the statutory process satisfactorily.
- 3.8 On 27 June 2024, a paper went to the Cabinet who decided to proceed to consultation on the proposal to close Homewood College. A consultation process ran between 8 July – 5 September 2024, which gathered feedback on the proposals from parents, staff at the school and other stakeholders who might be impacted by the decision.
- 3.9 On 26 September 2024, the Cabinet Member for Finance & City

Regeneration considered the consultation feedback and agreed to publish Statutory Notices. The evidence and rationale for the decision to move to the statutory notice period is set out in this report.

- 3.10 The Statutory Notice for the proposal to close Homewood College was published [here](#) and the full proposals were published on the website [here](#) along with a statement setting out:
- how copies of the proposal may be obtained;
 - that anybody can object to, or comment on, the proposal;
 - the date that the representation period ends (4 weeks from publication); and
 - the address to which objections or comments should be submitted”
- 3.11 The Statutory Notice was also published in The Argus on 7 October 2024.
- 3.13 If responders were unable to access the information made available on the Council’s website, they were asked to contact the Head of School Organisation for further assistance. No requests were made to the Council.
- 3.14 Copies of the proposal were sent to the following parties:
- The Members of Parliament for Brighton & Hove
 - the Secretary of State for Education
 - the Schools’ Adjudicator
 - the Diocese of Chichester
 - the Diocese of Arundel and Brighton
 - the Governing Body of the School
 - Members of the Brighton & Hove City Council Cabinet
 - Local Ward Councillors
- 3.15 Following the publication of the Statutory Notice, a 4 week representation period ran from 7 October to 4 November 2024, during which time interested parties were invited to make further comments on the proposal.
- 3.16 No responses were received via the Council’s consultation portal during the representation period.
- 3.17 One response was received by email, which is in support of the school’s closure.

4. Analysis and consideration of alternative options

- 4.1 The Council has considered alternative options, including attempts to improve the school’s performance through support from the Beckmead Academy Trust. However, this support was only short-term and did not lead to sustainable improvement.
- 4.2 The Council has developed alternative provision for pupils with Social Emotional Mental Health (SEMH) difficulties, including expanded capacity at Central Hub Brighton and a new Key Stage 4 provision at St George’s House.

- 4.3 The closure of Homewood College, coupled with the development of new SEMH provision, is considered the most effective way to improve outcomes for pupils with SEMH needs in the city.

5. Community engagement and consultation

- 5.1 A public consultation was held between 8 July and 5 September 2024, which included public meetings and an online consultation response form.
- 5.2 Following the decision to publish Statutory Notices, a four-week representation period ran from 7 October to 4 November 2024.
- 5.3 The Statutory Notice was widely shared, including publication on the Council's website and in a local newspaper. It was distributed to relevant stakeholders such as the Secretary of State for Education, local MPs and School Governors.
- 5.4 The consultation process for the closure of Homewood College followed the principles and standards outlined in Brighton & Hove's Community Engagement Framework. Throughout the process we maintained a commitment to open and honest communication, ensuring all engagement activities had a clarity of purpose to inform the decision-making process.

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 was a cumulative overspend of £709,000, meaning the deficit increased by £366,000 in 2023/24. The estimated cumulative deficit as at 31 August 2024 was £825,000.
- 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 closure will be a cost to the Council's general fund budget.
- 6.3 In addition to the cost of the final school deficit to the Council's general fund there are further costs relating to redundancies as all staff employment ceased as at 31 August 2024.
- 6.4 Corporate budget provision has been made for the one-off costs detailed in the paragraphs above.
- 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.
- 6.6 Subject to the necessary approvals the Council may be able to generate capital receipts from the potential future sale of the school site.

Name of finance officer consulted: Steve Williams Date consulted (18/10/24):

7. Legal implications

- 7.1 Section 14 of the Education Act 1996 imposes a duty on the Council to ensure the provision of sufficient schools for the provision of primary and secondary education in its area.
- 7.2 In order to achieve any reorganisation of school provision the Council must comply with School Organisation legislation, the Education and Inspections Act 2006 (EIA), associated regulations, and statutory guidance published by the Department for Education "Opening and closing maintained schools, Statutory guidance for proposers and decision makers, January 2023". Both the legislation and guidance set out the steps which the council must take before making any decisions on proposals to reorganise school provision.
- 7.3 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"), the Council has completed a formal consultation on the proposal, statutory notices have been published and a four week representation period has taken place.
- 7.4 The decision maker must have regard to the statutory decision makers guidance contained in the DfE Guidance. This sets out the considerations that should be made by the local when deciding proposals close a school. In all cases the decision maker should be satisfied that the proposer has carried out the requirements of the statutory process satisfactorily and should have due regard to all responses received during the representation period. A link to the Guidance is below:
https://assets.publishing.service.gov.uk/media/63d1357ed3bf7f3c44bcd6b9/Opening_and_closing_maintained_schools_Jan_2023.pdf
- 7.5 As the decision maker on the proposal the Council must make the decision within two months of the end of the representation period. When issuing a decision, the decision maker can:
- reject the proposal;
 - approve the proposal without modification;
 - approve the proposal with such modifications as they think desirable; or
 - approve the proposal, with or without modification, subject to certain conditions being met
- 7.6 As Homewood College is a community special school only the Diocesan Board of Education or the Bishop of any Roman Catholic diocese can make a referral to the Office of the Schools Adjudicator should the Council make the decision to close the school. Any referral to the Schools Adjudicator must be made within 4 weeks of the date of notification of the decision of the Council.

- 7.7 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.
- 7.8 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 (18/10/24):

8. Equalities implications

- 8.1 An Equality Impact Assessment (EIA) has been undertaken as part of the statutory process to identify any equality implications of the proposal to close Homewood College and to address any concerns through appropriate mitigations.
- 8.2 The EIA has been informed by the responses to the consultation period and was not impacted by the responses to the representation periods. Through these periods, concerns were expressed about the potential impact a school closure would have on pupils with special educational needs, particularly those with SEMH needs. Whilst it is clear that closing Homewood College will remove an option for pupils with SEMH needs in the area, efforts will be made to support families with limited financial means who may need assistance with attendance at new placements. The Council are also committed to ensuring that any alternative provision meets the diverse needs of all affected pupils, by offering case-by-case support and adjustments, where required, during the transition process.

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 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 In the responses to the publication of the Statutory Notice no comment was made in relation to sustainability matters.

10. Conclusion

- 10.1 The closure of Homewood College is recommended due to its inadequate Ofsted rating, significant financial deficit, and inability to provide satisfactory educational outcomes for pupils with SEMH needs.
- 10.2 One response was received to the publication of a Statutory Notice and no representations sought its continuation.
- 10.3 The Council has developed alternative provision to meet the needs of pupils with SEMH difficulties, ensuring that displaced pupils have been moved to higher quality provision.
- 10.4 The closure aligns with the Council's broader strategy to improve SEMH educational provision in the city, as outlined in the "Social, Emotional and Mental Health Educational Provision" report accepted by Cabinet on 27 June 2024.

Supporting Documentation

1. Appendices

1. Equalities Impact Assessment

