

BIRMINGHAM CITY COUNCIL

EDUCATION AND CHILDREN'S SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

**WEDNESDAY, 03 FEBRUARY 2021 AT 09:30 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS**

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES

To receive any apologies.

**4 REQUEST FOR CALL IN: PROPOSAL TO CLOSE HUNTERS HILL
COLLEGE**

1 - 100

To consider the "Request for Call-In" (the Portfolio Holder and the Lead Officer Identified in the report have been summoned to attend the meeting).

The following documents are attached:-

(A) The Executive Decision Record

(B) The relevant form for the "Request for Call-In" lodged by Councillors Peter Fowler and Alex Yip.

(C) The report considered by Cabinet in reaching its decision.

5 **REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)**

To consider any request for call in/councillor call for action/petitions (if received).

6 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

7 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

Details

Status:	Decision Subject To Call In
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Title:	Proposal to Close Hunters Hill College
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Reference:	008377/2021
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Urgent Decision - Not in Forward Plan	No
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Details for Agenda Sheet	Report of Director for Education & Skills
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Implementation Date (not before meeting on)	Tue 19 Jan 2021
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Purpose

To seek determination of a statutory School Organisation proposal to discontinue (close) Hunters Hill College with effect from 1st September 2021.

Key Portfolio	Education, Skills and Culture
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Include item on Forward Plan/ Key Decision	Yes
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Decision Maker

Reason For Key Decision	Revenue in excess of £500 Significant effect on communities in two or more wards
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Relevant Documents

Decision Type:	Committee
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Decision Maker:	Cabinet
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Directorate	Education & Skills
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Other Information

Private Reason

Decision Outcome

On 19 January 2021, Cabinet, approved, having taken into account the statutory guidance, the statutory proposal to close Hunters Hill College.

THE DEADLINE FOR CALL IN IS 1600 HOURS ON

MONDAY 25 JANUARY 2021

On Friday 22 January 2021 at 1515 hours, a request for call-in was submitted by Councillors Peter Fowler and Alex Yip. No action on the decision can be taken until the request for call-in has been considered by the Education and Children's Social Care O&S Committee within 15 days of the decision being posted.



Appendix 2: Request for Call In – Pro-forma

To:

Committee Services, Room 315, Council House.

E-Mail: LESCommitteeServicesAll@birmingham.gov.uk (marked "For the attention of Dave Smith")

Date: 22 January 2021

Please arrange for a meeting of the

Education and Children's Social Care Overview and Scrutiny Committee

O&S Committee

to be called to discuss the following executive decision:

Title: PROPOSAL TO CLOSE HUNTERS HILL COLLEGE

Taken By: Cabinet

On: 19 January 2021

Reason for request:

- | | | |
|--|--|-------------------------------------|
| (a) Is the Executive decision within existing policy? | 1. the decision appears to be contrary to the Budget or one of the 'policy framework' plans or strategies; | <input type="checkbox"/> |
| | 2. the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees; | <input type="checkbox"/> |
| | 3. the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive); | <input type="checkbox"/> |
| (b) Is the Executive decision well-founded? | 4. the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision; | <input checked="" type="checkbox"/> |
| | 5. the Executive appears to have overlooked some relevant consideration in arriving at its decision; | <input checked="" type="checkbox"/> |
| | 6. the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do; | <input checked="" type="checkbox"/> |
| | 7. the decision appears to be particularly "novel" and therefore likely to set an important precedent; | <input type="checkbox"/> |
| | 8. there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council. | <input checked="" type="checkbox"/> |



(c) Has the Executive decision been properly taken?

9. the decision appears to give rise to significant legal, financial or propriety issues; ☐

10. the notification of the decision does not appear to have been in accordance with council procedures; ☐

(d) Does the Executive decision particularly affect a District?

11. the decision appears to give rise to significant issues in relation to a particular District.

Councillor

(Signed)

Peter Fowler

(Print Name)

Councillor

(Signed)

Alex Yip

(Print Name)



Appendix 3: Criteria For ‘Call In’

These are the criteria against which the Council expects an O&S Committee to judge any “request for call in”. The Council does NOT expect an Overview and Scrutiny Committee to call in an Executive decision UNLESS one or more of the following circumstances applies –

	(a) Is the Executive decision within existing policy?
1	the decision appears to be contrary to the Budget or one of the ‘policy framework’ plans or strategies;
2	the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees;
3	the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive);
	(b) Is the Executive Decision well-founded?
4	the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;
5	the Executive appears to have overlooked some relevant consideration in arriving at its decision;
6	the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;
7	the decision appears to be particularly “novel” and therefore likely to set an important precedent;
8	there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.
	(c) Has the Executive decision been properly taken?
9	the decision appears to give rise to significant legal, financial or propriety issues;
10	the notification of the decision does not appear to have been in accordance with council procedures;
	(d) Does the Executive decision particularly affect a District?
11	the decision appears to give rise to significant issues in relation to a particular District.

Birmingham City Council

Report to Cabinet

Date: 19th January 2021



Subject: PROPOSAL TO CLOSE HUNTERS HILL COLLEGE

Report of: Dr Tim O'Neill
Director for Education & Skills

Relevant Cabinet Member: Cllr Jayne Francis - Education Skills and Culture
Cllr Kate Booth – Children's Wellbeing

Relevant O &S Chair(s): Cllr Kath Scott - Education & Children's Social Care

Report author: Name: Jaswinder Didially
Head of Service, Education Infrastructure;
Telephone No: 0121 303 8847
E-mail address: jaswinder.didially@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 008377/2021		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

1.1 To seek the determination of a statutory proposal:

- Closure of Hunters Hill College with effect from 31st August 2021.

2 Recommendations

- 2.1 That Cabinet, approve, having taken into account the statutory guidance, the statutory proposal to close Hunters Hill College.

3 Background

- 3.1 Hunters Hill College is a Birmingham community special school situated outside the City boundary at Spirehouse Lane, Bromsgrove, Worcestershire. The school can offer up to 135 places for pupils with an Education Health and Care Plan (EHCP) for Social, Emotional and Mental Health needs, (SEMH). The school historically offered boarding provision. There are currently 83 pupils on roll.
- 3.2 Both Hunters Hill College and the boarding provision were inspected by OFSTED on 18th and 19th September 2019 after a number of complaints were made to OFSTED that raised serious concerns. Following these inspections, both the school and the residential provision received ratings of “inadequate”.
- 3.3 OFSTED found that “the arrangements for safeguarding at the school were not effective and at times pupils’ safety was at risk because staff did not manage behaviour well.”
- 3.4 Following a full school organisation consultation, Cabinet member approval was given on 25th March 2020 for the closure of the boarding provision with effect from 1st July 2020.
- 3.5 Following OFSTED’s rating of inadequate, Hunters Hill College became subject to a Directive Academy Order (DAO) on 22nd October 2019. The local Authority has been working with the school to develop a post OFSTED action plan.
- 3.6 On consideration of options as per the DfE Guidance for Schools Causing Concern the Local Authority agreed to implement an Interim Executive Board (IEB) as an academy sponsor had not come forward to sponsor the school. The IEB was established on 21st February 2020.
- 3.7 A condition survey of Hunters Hill College was carried out on 1st March 2019 and identified major structural issues. Several of the buildings on the site are beyond economical repair and no longer fit for purpose. Some buildings have been boarded up for safety and security. Some of the provision on site (e.g. vehicle maintenance workshop, the farm) has been decommissioned due to health and safety concerns. The cost of bringing all buildings up to a basic, warm and dry standard is estimated to cost circa £5,000,000. This level of investment would not provide value for money and would not provide a suitable building for the needs of the children.

In fact, health and safety issues onsite have become more prevalent this term. As a result of these issues the school has not been able to open fully for all pupils since schools reopened in September 2020. Pupils who have not been able to attend the school site have been educated through remote learning which is not sufficient to support these pupils’ educational needs in the long term.

- 3.8 The Council considers that the circumstances of Hunters Hill College do not allow for the school to make the necessary improvements identified in the OFSTED report without identification of an Academy sponsor and the conversion to an Academy.
- 3.9 Plans are being developed to create capacity in other Birmingham special schools to accommodate the remaining pupils should the proposal to close Hunters Hill College be approved. SENAR and Education Infrastructure will liaise closely with schools and providers to ensure a suitable alternative placement is available for each pupil at Hunters Hill College who are Birmingham residents. The quality of proposed settings is being evaluated carefully to ensure pupils will receive an improved standard of education that meets a pupils' needs as detailed in their EHCP. A proposed placement will also need to meet the requirements for special educational needs provision, as set out in section 7.1.1 of this report. Officers refer to these requirements as the "SEN improvement test".

Appendix 6 outlines further information around the current number of pupils on roll at the school and progress to date in terms of ongoing placement requests.

- 3.10 There are currently no pupils on roll in Year 7. Should the proposal to close the school be approved, the Local Authority has a statutory duty to ensure that all pupils are provided a school place. If the proposal is approved, the Council's Special Educational Needs Assessment and Review (SENAR) service, together with relevant professionals, will work closely with current Year 8, 9 and 10 pupils and their families to agree appropriate alternative placements. SENDIASS will be part of those conversations. Subsequently any agreed placements for pupils will be in accordance with each pupils' EHCP and may be at another special school or an alternative provider. Current Year 11 pupils will be able to complete their education at school and leave at the end of the academic year in July 2021. SENAR will also liaise with the relevant Local Authority for those pupils at Hunters Hill College who are resident in another authority area. **Appendix 6** outlines further information around the current number of pupils on roll at the school.
- 3.11 Hunters Hill College is located out of the City boundary in Worcestershire with a large proportion of pupils currently traveling long distances using various forms of transport to reach Hunters Hill College. The Council's transport arrangements, Travel Assist, for children with special needs will apply where appropriate. Travel Assist will be fully engaged with any changes to travel plans and arrangements where required. The aim is to provide a high-quality school place for each Birmingham child, as local as possible to their home and community. Pupils' home address will be considered when offering alternative places. Such places should provide an opportunity to significantly reduce the travel time for pupils, which could have a positive impact on wellbeing.
- 3.12 Hunters Hill College occupies buildings and land that is held by the Council in trust, known as the Cropwood Estate. The Council holds the freehold interest of the land and the trust is managed through the Council's Trusts and Charities Committee with decisions made at meetings of the Council as trustee. If the proposal to close

Hunters Hill College is approved, the Council's Trust and Charities Committee will consider the future of the site in accordance with the trusts governing documents and charitable scheme approved by the Charity Commission (England and Wales) and in compliance with charity law and relevant Charity Commission guidance. In line with the School Organisation process, the future of the land and buildings does not form part of the school closure proposal or decision contained in this report, (see section 7.2 and **Appendix 4**).

- 3.13 As per DfE guidance and best-practice, a statutory pre-publication consultation was completed for the proposal between 22nd June 2020 and 16th October 2020. This was in the form of a pre-publication proposal document. Two staff and two parents' meetings were held during the pre-publication period. The length of the pre-publication was 17 weeks, of which 11 were in term time. The extended consultation was due to the COVID-19 emergency. It was felt that consideration should be given to pupils who were due to start in year 7 and also consideration to pupils who would be returning in September to closure proposals. We received 153 responses to the pre-publication consultation, of which 54 were in favour, 89 were opposed and 10 didn't know or didn't state a preference.
- 3.14 The Cabinet Member for Education, Skills and Culture notified all Birmingham Local Councillors of the proposal by email at the beginning of the School Organisation process and also invited direct comments and questions.
- 3.15 In compliance with DfE guidance, a statutory notice and proposal were published between 12th November 2020 and 10rd December 2020 (four weeks). The representation period commenced with the publication of a statutory notice in the Birmingham Post and the Bromsgrove and Droitwich Standard. During the four weeks representation period, comments on the proposal were submitted in writing to Education Infrastructure, via the BeHeard webpages, email or letter. A copy of the full proposal and public notice can be found within **Appendices 1 & 2**.
- 3.16 At the close of the representation period, 60 responses were received regarding the proposal. Of the 60 responses received 48 were opposed, 12 were in favour. A detailed quantitative and qualitative analysis of the consultation and copies of the comments received can be found in **Appendix 3** of this report.

Details of both the internal and external stakeholders consulted and the means by which both consultations were carried out are detailed in section 5 of this report.

- 3.17 The Education and Inspections Act 2006 states that the Local Authority must have regard to any guidance issued by the Secretary of State when making a decision on such proposals. The relevant statutory guidance is attached (**Appendix 4**). The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the Department for Education Statutory Guidance for proposers and decision makers on opening and closing maintained schools (November 2019) allows for the proposals to be approved, approved with modification, approved subject to meeting a prescribed condition, or rejected.

- 3.18 If the proposals are approved, Hunters Hill College will close with effect from 31st August 2021.

4 Options considered and Recommended Proposal

- 4.1 The option of doing nothing would mean that Hunters Hill College will remain open and financially unviable with the school deficit growing year on year. The Directive Academy Order will stand and the Department for Education (DfE) will need to identify a sponsor. To date no Academy sponsor has been identified.
- 4.2 The buildings are reaching the end of their life and are unsuitable as a place of education. The buildings are not sustainable within the school's budget allocation and will be in danger of falling into further disrepair without significant investment, for which there is currently no identified budget. The option of addressing the immediate concerns is not a viable option as it is estimated that the cost of bringing the building up to a basic, warm and dry standard is estimated at circa £5,000,000. This level of investment would not provide value for money and would not provide a suitable building for the needs of the children.
- 4.3 The option to allow for the closure of Hunters Hill College would;
- Address the concerns raised by OFSTED and meet the requirements set out in section 7.1.1 of this report for special educational needs provision ("SEN Improvement Test"), ensuring that the needs of the pupils are met at an alternative school in accordance with their Education Health and Care Plans which lead to improvements in the standard, quality and/or range of the educational provision for the pupils.
 - Remove the obligation by the Local Authority to maintain and staff the buildings which are becoming unfit for purpose and have become financially unviable.
 - Resolve the issue of the outstanding academy order with no identified sponsor.

5 Consultation

5.1 External

- 5.1.1 The proposal has been fully consulted upon in line with the requirements set out in the statutory guidance "Opening and closing maintained schools" (November 2019) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in **Appendix 4**.
- 5.1.2 During the statutory pre-publication consultation period, information about the proposal was publicised to the parents, teaching staff, non-teaching staff and governors in writing. In addition, two parents' meetings and two staff meetings were held remotely in September 2020 via zoom and Microsoft teams. Other stakeholders were consulted by email.

During the statutory consultation period, information about the proposal was publicised to all parents, staff and Governors in writing. Other stakeholders

consulted during the statutory pre-publication period were consulted again during the statutory representation consultation by email and included the following consultees:

- Birmingham Schools;
- Neighbouring Local Authorities;
- The Archdiocese and The Anglican Diocese of Birmingham;
- Professional Associations and Trade unions
- All Birmingham Local Councillors
- All Birmingham Members of Parliament and the following members of Parliament that have pupils of Hunters Hill College living in their constituency;
 - Sajid Javid MP for Bromsgrove
 - Saqib Bhatti MP for Meriden
 - Neil Hudson MP for Penrith & the Border
 - Pat McFadden MP for Wolverhampton South East
 - Nigel Huddleston MP for Mid Worcestershire
 - Rachel Maclean MP for Redditch
- Birmingham Parent Carer Forum
- Special Educational Needs and Disability Information, Advice and Support Services (SENDIASS)
- Birmingham City Council Charities and Trust Committee.

5.1.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper;
- Public notice in the Bromsgrove and Droitwich Standard
- On Birmingham City Council BeHeard webpage;
- On the schools' webpages;
- On the Birmingham City Council School Notice Board.

5.1.4 A copy of the full proposal document can be found in **Appendix 1** and the Public Notice in **Appendix 2**. The outcome of the external consultation is set out in Section 3 of this report and in **Appendix 3**

5.2 Internal

During both the statutory pre-publication and statutory representation consultation periods, information about the proposal was sent to:

- All Ward Councillors in Birmingham
- Officers from services across Birmingham City Council including Admissions, Finance, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Education and Skills.

Details of the responses received and analysis of the statutory consultation is set out in **Appendix 3**. The Ward Councillors consulted and the date and method of consultation is set out in **Appendix 5**.

6 Risk Management

Should the proposals for the closure of Hunters Hill College not be approved an alternative solution would need to be sought to address the following serious issues at the school;

- The financial viability of Hunters Hill College:
The cumulative forecast deficit for 2020/21 is £1.1 million. This will be Local Authority's liability at the point of closure. If the school continues to operate there is a considerable risk of the deficit growing at the rate of £100,000 per month, which the Local Authority would have to fund at the point of conversion.
- The outstanding Directive Academy Order and identification of an Academy sponsor by the DfE.
- The deterioration and suitability of the buildings (the buildings are reaching the end of their natural life for the purpose of education) which require a significant level of investment.
- OFSTED's judgement of inadequate: "There are serious and widespread failures, which mean that children and young people are not protected, or their welfare is not promoted or safeguarded" (OFSTED 2019).

7. Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The proposal to close Hunters Hill College is necessary in response to the following;

- Give all children from every background and community the best start in life with a clear pathway to achieve success and realise their potential.
- The Local Authority has a statutory duty to ensure that there are sufficient pupil places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing sufficient provision.
- The Local Authority has landlord responsibilities to ensure that schools are Health and Safety compliant and fit for purpose.
- To meet the aims set out in the Council's Education Services Delivery and Improvement Plan; -

- Securing a good school place for children across Birmingham
- Raising attainment and closing gaps for children across Birmingham
- Ensuring children and young people with special educational need and disabilities have their needs met in appropriate provision
- Ensuring children are safe and develop resilience
- Preparing young people with the skills they need for life.
- To meet the requirements for discontinuance of special educational needs provision (“SEN Improvement Test”) as set out in Schedule 2 paragraph 13 of the School Organisation (Establishment and Discontinuance) Regulations 2013, which reads:

“Special educational needs provision

13. Where existing provision that is recognised by the local authority as reserved for pupils with special educational needs is being discontinued, a statement as to how the local authority or the governing body (as the case may be) **believe the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for these children**”.

7.2 Legal Implications

7.2.1 This report exercises powers contained within section 15 of the Education and Inspections Act 2006 and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 together with the Department for Education Statutory Guidance for proposers and decision makers on opening and closing maintained schools (November 2019), whereby the Local Authority of a Community Special School can propose to close the school by following a statutory process. Under this Act, Regulations and statutory guidance, the Local Authority is the decision maker for this statutory proposal.

7.3 Financial Implications

7.3.1 The budget plan for the financial year 2019/2020 predicted a significant deficit and at the end of year the deficit was £494,000. As at September 2020, the cumulative forecast deficit for 2020/21 is £1.1 million. The cumulative deficit is predicted to grow further and would amount to between £1.7 and £2.0 million by the end of the 2021/22 financial year, if the school continued to remain open throughout the whole of that period. The financial deficit is primarily the result of a substantial reduction in pupil numbers which is, in part, driven by parental preference. The current total budget for the school is only £2.9 million. This indicates that, even with concerted efforts to reduce expenditure, the budget of the school would not be balanced. The Local Authority has worked consistently with the school to minimise the level of the financial deficit, whilst ensuring that safeguarding standards remain in place.

7.3.2 Staffing costs are being minimised by the use of agency staff and short-term contracts where practicable and some staff will transfer to other schools, so the precise costs of redundancies / retirements is unknown but is expected to be £700k.

7.3.3 As part of the considerations regarding the 2021/22 High Needs Block (which forms part of the Dedicated Schools Grant), there will be a proposal to set aside resources to assist special schools in financial difficulties. This should mitigate the impact of the eventual deficit on the General Fund. The existing budget for deficits plus a budget pressure to be considered as part of the Council's 2021/22 budget considerations will cover expected schools' deficits next financial year.

7.4 Procurement Implications (if required)

Not applicable

7.5 Human Resources Implications (if required)

7.5.1 All staff have been consulted on the closure during the school organisation process. This has included two whole school staff meetings, with official trade union representatives also in attendance. Should the School Organisation proposal be approved, the service redesign process will then commence, in consultation with the trade unions and staff as per BCC policy and procedure. This may or may not result in staff redundancies.

7.6 Public Sector Equality Duty:

7.6.1 An equality analysis for the School Organisation Process was completed under EQUA221. A project specific equality assessment has been carried out for the Hunters Hill College closure proposal under EQUA507.

The proposal to close the school would mean all pupils currently on roll will be displaced and will need to be offered an alternative place (according to EHCP). The closure proposal impacts mainly the following groups with protected characteristics: males between the age of 11 – 16 years of age with Social Emotional and Mental Health needs. A mental health condition is considered a disability if it has a long-term effect on one's normal day-to-day activity (as defined by the Equality Act 2010).

The equality impacts have been reviewed following feedback received during the statutory consultations. Although this proposal has a risk of adversely impacting pupils with protected characteristics, the School Organisation Regulations 2013 require by law that the local authority must provide a statement how the proposals are likely to lead to improvements in the standard, quality and/or range of educational provision. The requirements are as set out in section 7.1.1 of this report and the statement for how this will be achieved is set out in section 3.9 and 3.10 of this report.

8 Appendices

1. Full Proposal Document
2. Public Notice
3. Statutory Consultation Analysis
4. DFE Guidance for Decision Makers
5. Ward Councillors Consulted
6. Displaced Pupils

9. Background Documents

- Education and Inspections Act 2006
- Opening and Closing Maintained Schools. “Statutory guidance for proposers and decision makers” published by the Department for Education (DfE) November 2019.
- OFSTED Full Inspection Report 2019 Reference: Hunters Hill College
<https://reports.ofsted.gov.uk/provider/25/103609>
- OFSTED report for Residential special school 2019
<https://reports.ofsted.gov.uk/provider/10/SC043050>
- Hunters Hill College – Non-Building Condition Report March 2019
- Equality Impact Assessment EQUA507



Full Proposal Document

Name of School: Hunters Hill College

*Proposal to Close a
Community Special
School*

Introduction

Introduction

The informal consultation on the closure of Hunters Hill College closed on 16th October 2020;

Birmingham City Council would like to thank all those parents, staff and other stakeholders, who sent us their views and comments.

We received 153 responses to the pre-publication consultation, of which;

54 were in favour

89 were opposed

and 10 didn't know or didn't state a preference.

Birmingham City Council, as the Local Authority, in collaboration with the Interim Executive Board (IEB) of the School, has considered all comments received and is moving to the next stage, which is the formal statutory consultation (also known as the representation period).

This full proposal document is an updated version of the pre-publication proposal document.

We are now inviting you to make your comments and views known on this full proposal. Any views you submit during this formal consultation will be included in the final report and forwarded to the decision makers, who for this proposal is the Full Cabinet of Birmingham City Council.

Please Note: Comments from the informal consultation stage were for consideration by the Local Authority and will not be included in the final report. However key comments made will be addressed in the FAQ document which is available on the BeHeard website.

If you wish to make your views known to the decision makers in this next formal consultation stage, it is important that you submit these again in writing.

Please see the section entitled "How can I make my views known?"

Birmingham City Council as the Local Authority for Birmingham is now entering into the statutory representation stage of the School Organisation process and is consulting on the proposal to:

- Close Hunters Hill College with effect from 31st August 2021

School Information

Type:	Special School (Local Authority Maintained)		
Name:	Hunters Hill College	DFE:	330/7037
Address:	Spirehouse Lane, Worcestershire B60 1QD		
Ward:	Linthurst	District:	Bromsgrove
Age Range:	11 -16 years	Sixth Form:	None
Gender	Boys	Capacity:	135
Last Ofsted:	18th/19th September 2019 Both the college and the residential facility were inspected.	Ofsted Rating	Overall Effectiveness: 4. (inadequate - special measures)

Hunters Hill College is one of Birmingham's 27 special schools. The school is located outside Birmingham, in the neighbouring area of Bromsgrove district, and is maintained by Birmingham City Council.

Hunters Hill College can offer up to 135 places for boys with an Education Health and Care Plan (EHCP) for Social, Emotional and Mental Health needs (SEMH). There are currently 86 pupils on roll at the school. Admissions to the school are managed via the Special Educational Needs Assessment and Review Service (SENAR).

Boarding provision was removed from the school and the residential facilities were closed effective 1st July 2020.

Background

An Ofsted Inspection on 18-19th September 2019 judged the School "inadequate". The report can be found via the following link: <https://reports.ofsted.gov.uk/provider/25/103609>. Since that time, the School has been taking steps to try to address the concerns that Ofsted identified.

Following the Ofsted inspection report, a Directive Academy Order (DAO) was issued by the Secretary of State on 22nd October 2019.
(A DAO is a measure introduced by the Government whereby schools judged by Ofsted to be failing are automatically ordered to convert to an Academy which allows underperformance to be tackled swiftly.)

To date an Academy Trust has not been identified to sponsor Hunters Hill College which would allow the school to become an academy.¹

¹ *The Secretary of State issues a DAO via the Regional Schools Commissioner (RSC) to the Local Authority (LA) and the governing body of a community school instructing them to take all necessary steps to convert the school to academy status. The RSC and the Department for Education (DFE) will*

An Interim Executive Board (IEB) was established at the school on 21st February 2020. This is a body, appointed for a temporary period, by a Local Authority with the consent of the Secretary of State for Education, which replaces the governing body to lead a school that is judged to be in urgent need of improvement.

Following a Condition Survey carried out by the Local Authority's Technical Advisors (ACIVICO), it has been advised that several buildings on the site are beyond economical repair and no longer fit for purpose. It is estimated that significant and continued investment would be required to provide suitable buildings to meet the ongoing needs of the pupils. The level of investment required is unsustainable.

The budget plan for the financial year 2019/2020 predicted a significant deficit and at the end of year the deficit was £494,000. This deficit was predicted to increase to a cumulative total in excess of £1 million by the end of 2020/2021 financial year. As at September 2020, the cumulative forecast deficit for 2020/21 was £1.1 million, indicating that the initial forecast trajectory remained accurate. The cumulative deficit is predicted to grow further and amount to between £1.7 and £2.0 million by the end of the 2021/22 financial year. This is primarily the result of a substantial reduction in actual pupil numbers which is, in part, driven by parental preference. The current total budget for the school is only £2.9 million. This indicates that, even with concerted efforts to reduce expenditure, the budget of the school cannot be balanced.

Due to the financial unviability of the school and no forthcoming Academy sponsor, Birmingham City Council is proposing closure of the school.

What changes are proposed?

Birmingham City Council (the Local Authority) is consulting with stakeholders on a proposal to close Hunters Hill College.²

Why do we want to do this?

Hunters Hill College is not financially viable based on prospective pupil numbers and depleted building stock.

communicate to the LA and school the name of the trust that will sponsor the school and the date by which the school must convert.

² *The Secretary of State has the power to revoke an Academy Order in exceptional circumstances, where following due diligence a school is judged to be financially unviable. Where this is the case, the expectation is that the LA will take steps to close the school.*

² *Birmingham City Council must do this in accordance with Part 2 and Schedule 2 of the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the statutory guidance "Opening and closing maintained schools' Statutory guidance for proposers and decision-makers November 2019.*

When will these changes happen?

If the proposal is approved by the decision maker (following full consultation) it is intended that the proposal to close Hunters Hill College will be implemented on **31st August 2021**.

Pupil Numbers and Admissions

Hunters Hill College has capacity to provide for 135 places for boys with an Education Health and Care Plan (EHCP) for Social, Emotional and Mental Health needs (SEMH). Pupil numbers have been steadily dropping since 2018.

There are currently 86 pupils on roll at the school. Admissions to the school are managed through the Local Authority's Special Educational Needs Assessment and Review Service (SENAR). Pupils reside in Birmingham and in surrounding authority areas.

Numbers on Roll	Y7	Y8	Y9	Y10	Y11	Total
Former 2019/20	9	19	30	26	27	111
Current 2020/21*	0	9	21	29	27	86

(*data as at November 2020.)

Until a decision is made, parents of children and young people with EHCPs will continue to have the right to request that Hunters Hill College is named in the EHCP in accordance with the Children and Families Act 2014 legislation (and associated Regulations) and the Special Educational Needs and Disability Code of Practice. Parents of any prospective pupils will be notified of the current proposal and consultation process, as potential stakeholders.

The Local Authority and Hunters Hill College will work together to ensure that the needs of existing pupils will continue to be met in accordance with their EHCP until a decision is reached in respect of this proposal. If the proposal to close the school is approved, the Local Authority will work closely with pupils and their families to agree appropriate alternative placements and to make suitable transition arrangements.

How will this affect pupils at the school?

Curriculum:

The pupils will continue to receive their curriculum entitlement at the school whilst they remain on roll there and throughout the consultation process. For as long as there are pupils on roll the school will continue to receive practical support from Birmingham City Council so that pupil's needs continue to be met as set out in their EHCP.

Displaced Pupils:

If the proposal to close the school is approved, Birmingham City Council's SENAR service, together with relevant professionals, will work closely with pupils and their families to agree appropriate alternative placements for existing pupils in Years 8-10. Current Year 11 pupils will be able to complete their education at the school by July 2021. As pupils that live in Birmingham are the responsibility of Birmingham City

Council, SENAR will liaise with appropriate schools and providers to ensure a suitable alternative placement is available for each pupil at Hunters Hill College. This placement may be at another special school or an alternative provider and will be based on the needs of the pupils as set out in their EHCPs.

A transition plan to support pupils and families with any change in placement will be initiated and the new school will be fully engaged prior to the transition. This is particularly critical for pupils studying for their GCSEs.

For pupils that do not live in Birmingham, SENAR will liaise with the Local Authority where the pupils live to identify a placement that meets their needs, either within Birmingham or another Local Authority, where appropriate. This may be at another special school or an alternative provider and will be based on the needs of the pupils as set out in their EHCPs.

Statement regarding: SEN Improvement Test:

“Where existing provision that is recognised by the LA as reserved for pupils with special educational needs is being discontinued, a statement as to how the LA or the governing body (as the case may be) believes the proposals are likely to lead to improvements in the standard, quality and or range of the educational provision for these children.”.

Birmingham City Council considers that the circumstances of Hunters Hill College do not allow for the school to make the necessary improvements identified in the Ofsted report. As part of this consultation on the proposed closure, the quality of alternative settings will be evaluated carefully to ensure that pupils receive an improved standard of education that meets their needs as detailed in their EHCP. Council officers are currently carrying out the quality assurance work on the range of educational provision available for children and young people with SEMH.

Transport:

Most pupils currently attending Hunters Hill College are Birmingham citizens, however, 10 pupils live outside Birmingham and are the responsibility of other Local Authorities. A large proportion of pupils currently travel long distances using various forms of transport to reach Hunters Hill College.

Travel distance	Under 5 miles	5-10 miles	10-20 miles	20-30 miles	Over 30 Miles	Total	Pupils who use taxis	Grand Total
Number of Pupils	2	19	33	30	1	85	26	111

Travel times (each way)	Shortest	Average	Longest
Number of Pupils	24 mins	80 mins	158 mins

(data as at June 2020)

Birmingham City Council's transport arrangements for children with special needs will apply where appropriate, known as Travel Assist. Travel Assist will be fully engaged with any changes to travel plans and arrangements where required.

The aim is to provide a high-quality school place for each Birmingham child, as local as possible to their home and community. As part of this consultation, the Council will be gathering information and evaluating the potential impact of the closure proposal on pupils' travel time and distance. This may be an opportunity to significantly reduce the travel time for pupils, which could have a positive impact on wellbeing.

Impact on the Local Community

There would be some impact on the local community. Hunters Hill College is a Birmingham City Council maintained school located outside of the City boundary in Worcestershire. The majority of pupils live in Birmingham and are not local to the school. Most pupils travel a significant distance to school by differing forms of transport. The local community can, therefore, expect to notice reduced transport and traffic around the school.

The future use of Hunters Hill site (The Cropwood Estate) will be determined by the landowner and does not form part of this consultation.

How will this affect staff?

Birmingham City Council and the IEB of Hunters Hill College recognise that change can be unsettling and that there may be challenges along the way. If the proposal to close the school is approved, this will impact staff at the school. All staff reductions or changes to employment terms and conditions would be subject to full consultation with the trade unions and teaching associations. Birmingham City Council will endeavour to keep staff fully informed.

Will this definitely happen?

No, there is government guidance and a statutory process that Birmingham City Council must follow to close a school. The statutory process is in two parts. Birmingham City Council has completed the first part of the two-part statutory School Organisation consultation process. The first part ran for 17 weeks from Monday 22nd June 2020 to Friday 16th October 2020. The extended period of consultation was felt necessary due to COVID19 restrictions at the time. We received 153 responses during the pre-publication consultation, please see Annex A of this document for the analysis of the pre-publication consultation.

Birmingham City Council, has considered all comments received during the first part of the process, and has taken the decision to move to the second part of the school organisation process which is the statutory representation stage;

Statutory Publication and Representation period

Length of time: 4 weeks

We are now entering into the second and final part of the consultation. This full proposal document is an updated version of the pre-publication proposal document and it includes the analysis from the pre-publication consultation period (see Annex A).

We again invite comments on the proposal.

This part allows four weeks for anyone to comment on the proposal. All comments received during this part will be forwarded to the decision maker who will consider them to inform their decision.

Please note: Comments from the informal consultation stage were for consideration by the Local Authority and will not be included in the final report.

If you wish to make your views known to the decision makers, it is important that you submit these during this formal consultation period in writing.

This part will commence on **Thursday 12th November 2020** and will close on **Thursday 10th December 2020**.

Decision process:

All comments received during the representation period will be forwarded to the decision maker for final consideration. The decision maker for this proposal is Birmingham City Council's Cabinet. A decision must be made within two months of the end part 2 of the consultation (representation period).

What will happen if this proposal is rejected?

If this proposal is rejected, Birmingham City Council will work with the Department for Education to consider alternative proposals which address the issues at the school including the reinstatement of the Directive Academy Order by the Secretary of State.

How can I make my views known?

We welcome comments in writing, by email or via the BeHeard webpage within the 4-week statutory representation consultation period between **12th November 2020 and 10th December 2020**.

Anyone wishing to make comments, support or objections to this proposal may do so through the BeHeard consultation website:

www.birminghambeheard.org.uk/people-1/huntershill-part2

Or in writing to Birmingham City Council's Estates Management Team:

Education Infrastructure

PO Box 15843

Birmingham

B2 2RT

Or by emailing: eds.enquiries@birmingham.gov.uk

Please include Hunters Hill Part 2 in the email subject line for immediate redirection.

A consultation response form can be found at the end of this document and can be used if anyone would like to send their comments in writing by post or by email.

What happens next?

The dates set out below meet the government requirements for us to consult fully with the people affected by the proposal. These dates are subject to change.

Key dates

Action	Date
Statutory Pre-publication consultation	Ended on 16th October 2020
Statutory notice to be published	12th November 2020
Beginning of Representation period	12th November 2020
End of 4-week representation period	10 th December 2020
Final decision to be made no later than	10 th February 2021
Changes implemented	31st August 2021

Consultee List:

Parents and families of pupils

Pupils of the school

Staff at the school

Members of the Interim Executive Board

Local Councillors

Neighbouring Local Authorities

Local Authorities that maintain an EHCP for a pupil of the school

Teaching Associations and Trade Unions

Clinical Commissioning Groups (NHS)

All Birmingham schools

Parents/families of any pupils at other schools who may be affected by the proposal including those at feeder primary schools.

Birmingham Parent Carer Forum

Special Educational Needs and Disability Information, Advice and Support Services (SENDIASS)

Birmingham City Council Charities and Trust Committee.

Hunters Hill College:
Proposal to Close a Community Special School

Thank you for taking the time to send us your thoughts on these proposals.

Part 2. Statutory Consultation Response Form

Please help us to analyse your response by completing the following:

Your name (optional): _____


Your contact details (optional, if you would like a reply)

Are you in favour of the proposal (please circle)? Yes / No / Don't know

Your interest in the proposal (please indicate one of the below):

Pupil	
Parent	
School Governor	
School Staff	
Local Resident	
Local Councillor	
Member of Parliament	
Other (please specify)	

Please provide your comments to the proposal.



Annex A: Hunters Hill College
Pre-Publication Consultation Analysis

Summary Table

Total number of responses:	153
Number in favour or against the proposal:	
In favour	54
Against	89
Don't know	10
Not indicated	0

Method of response:	
BeHeard (website)	149
Email	4
Letter	0

Respondent by type:	Total	In favour	Opposed	Neither/ don't' know
Pupil	10	3	7	0
Parent	26	14	11	1
School Governor	3	2	0	1
School Staff Member	23	5	18	0
Local Resident	38	13	21	4
Local Councillor	1	1	0	0
Member of Parliament	0	0	0	0
Other, please specify (extended family/community; other organisations; former staff members, former pupils and their families)	46	16	27	3
Not answered	6	n/a	5	1

Comment themes: 129 responses included comments (counted per mention of total responses that include comments*);	Mentions
Concern – Loss/shortage of specialist/unique provision	48
Opinion – positive experience / education is good	32
Concern – pupil wellbeing / transition	30
Opinion – invest in school / buildings / staff	27
Opinion – negative experience / education is poor	24
Opinion – school leadership is poor (historic and/or current)	20
Opinion – school has improved recently	17
Opinion – understand/acknowledge challenges and issues	16
Concern – future use of the site	15
Opinion - positive experience staff	12

Concern – proposal is financial incentive/motivation	12
Opinion – negative experience/behaviour of staff	10
opinion - BCC intervention poor/ineffective	9
Opinion - school could be good again	9
Opinion - buildings / site poor suitability / condition	8
Opinion - negative experience pupils' behaviour	7
Opinion – school deliberately being “run down”/deteriorate /conspiracy	7
Concern - low pupil numbers	6
Concern - pupils doing GCSEs	5
Opinion – school used to be good.	4
Opinion – school far from pupils' homes / transport concerns	4
Concern - school not fully open following COVID lockdown	4
Concern - lack of academy sponsor	3
Concern – parent wanting/waiting for change of placement	2
Opinion - removing residency negative financial impact	2
Opinion - school not financially viable	2
Opinion - positive experience pupil behaviour	2
Opinion - traffic at site not an issue	2

Analyst notes:

*Comment themes - example:

If a total of 10 responses include comments and 3 of those comments mention traffic concerns; the result is: traffic - 3/10. If the same 3 people that mention traffic also mention parking and 3 other comments mention parking, the result is: Parking - 6/10.

Multiple responses: Some individuals have submitted more than one response or identical responses in more than one format; each response is counted in the figures in this summary.

Proposal of Birmingham City Council

Discontinuation of Hunters Hill College

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that Birmingham City Council intends to:

Discontinue Hunters Hill College (community special school) Spirehouse Lane, Worcestershire B60 1QD with effect from 31st August 2021.

This notice is an extract from the complete proposal document. Copies of the complete proposal can be found at;

www.birminghambeheard.org.uk/people-1/huntershill-part2

If you require a hardcopy this can be obtained by writing to Estates Management Team, Education Infrastructure, PO Box 15843, Birmingham B2 2RT or via email to edsi.enquiries@birmingham.gov.uk.

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposals. Anyone who wishes to make representation about this proposal should do so through the above web site or by writing to the Estates Management Team at the above postal or email address. Please include Hunters Hill in the title line of any correspondence. The date by which objections or comments must be received is 10th December 2020

Signed: Jaswinder Didially, Head of Service, Education Infrastructure.

Dated: 12th November 2020.

Appendix 3: School Org: Consultation Analysis: Hunters Hill part-2

Summary Table

Total number of responses:	60
Number in favour or against the proposal:	
In favour	12
Against	48
Don't know	0
Not indicated	0
Method of response:	
BeHeard (website)	59
Email (NASWUT)	1
Letter	0

BeHeard Respondent by type:	Total	In favour	Opposed	Neither/ don't know
Pupil	0			
Parent	2		2	
School Governor	2	2		
School Staff Member	22	4	18	
Local Resident	18	2	16	
Local Councillor	2	1	1	
Member of Parliament	0			
Other, please specify (extended family/community; other organisations; former staff members, former pupils and their families)	13	3	10	
Not answered	0	n/a	n/a	

BeHeard Comment themes: 50 responses via BeHeard included comments (counted per mention of total responses that include comments)	Mentions
Loss/shortage of specialist/unique provision	27/50
Children receive good education and positive experience / closure would have a detrimental effect on pupils	19/50
Where will alternative places be provided if school closes	11/50
Concerns regarding land ownership/ future of land/ Cropwood Trust/covenants	8/50
Buildings are poor/ not safe/ not fit for teaching pupils	6/50
Staff are good	6/50
Proposal is financially motivated	5/50
School could be good again	5/50
The closure is a foregone conclusion/ conspiracy to close	5/50
Building condition poor/has been allowed to deteriorate	4/50
Safeguarding issues (past)	2/50

Address issues at school - don't close school.	2/50
Staff not well trained	2/50
Concern for pupils in year 10 doing GCSE's	1/50
School leadership is poor	1/50
Not enough done to respond to directive Academy Order	1/50
School too far from pupils' homes / long journeys to school	1/50
School not financially viable	1/50

Analyst notes:

- 59 responses were received via BeHeard and one response was received by email.
- The qualitative analysis refers to BeHeard responses.
- A response was received by email from NASUWT. A copy of the response forms part of this appendix it has been included in the total responses above but has not been included in the comment themes.
- An email was addressed to Councillor Francis from a Birmingham Councillor during the statutory consultation enquiring what provision would be available for pupils should the school close. A response was sent from Councillor Francis in answer to the enquiry. This has not been included in the summary as it was an enquiry for Councillor Francis. The same Councillor also made representation via BeHeard which is included in the above analysis.
- 9 of the 59 responses via BeHeard had no comments included.

ANON I.D.	Type of consultee	Other type of consultee	In Favour?	Comments
ANON-SKHZ-V6VQ-K	Other, please specify	Foster carer	No	<p>I am in the position where I was a member of staff at Hunters Hill [REDACTED]. I worked proudly and with total dedication at Hunters Hill for the children of Birmingham for [REDACTED] years. I worked in the residential setting [REDACTED].</p> <p>Before I discuss the proposed closure of Hunters Hill, I want to mention the fact Bham LA are also closing Skilts school at the proposed date. I also want to add Springfield school into this equation.. (TBC) .. all 3 sites have significant financial gain to BCC. I am in the belief that all school closures are due to financial implications within the City.. nothing to do with OFSTED or apparent state of building .</p> <p>I always had a good working relationship with Skilts, they too held the same feelings.</p> <p>There are people who believe FET and the City council are corrupt. They feel the support Hunters Hill received from FET and BEP to a lesser extent was detrimental to the children of Bham. Personally as a former member of the schools leadership, I felt from the moment FET input began, the running down of the school began. It was totally driven by finance.. how can you put a price on children's education who deserve the best provision Bham can offer?</p> <p>The writing was on the wall for the school once the residential provision , again after consultation was stopped. Again, it was suggested this consultation was corrupt ? Who would actually state that this provision was not good for the most hard to reach children of Bham? and the evidence proved the provision was successful. The safeguarding reasons for the initial suspension of residency were minor and should not have been escalated to BCC , (unless there were underlying reasons to do so of course) . I admit the provision may not have been financially viable , but children's lives should not be moulded by finance. Add to this support staffs pension contributions (more so school having to pay increased payments), the care team became a commodity which put the school in more deficit (pretty much every school runs on a deficit).</p> <p>The school buildings, I can tell you for a fact are fine and fit for purpose. £50000 was spent in the Summer of 2019 on the residential provision. Some people say this was a red herring to divert from future corruption? Crop wood House is a large building which has been left , unmaintained for a few years, [REDACTED] years ago I began my career in this building, a 17 bedroomed residential provision that changed so many young people's lives . Yes the maintenance of the building was high, but what a magnificent resource for key stage 4 students. Personally I began to get sceptical when a previous H/T instructed that the building should not be used, from that moment the building began to be in disrepair..</p> <p>The only other classroom in disrepair is room 33, this is locked to both students and staff and has no risk attached.</p> <p>On student numbers dwindling; some say this has been the plan of BCC and FET? Why are there no year 7 students this year? and why have Skilts kept there yr 7's for an extra year? So they will only move once? Well yes I totally agree with that for the young people.. but why not be open and transparent about it/ about everything? Instead staff, students and parents have high anxiety and stress. Some say this has been a strategic plan of the City for some time.. all for financial reason, not taking the young people of Bham into account.</p> <p>Let me tell you, I totally understand the City has a financial deficit and it requires action. I also understand travel expenses for young people with needs is extortionate. So my guess is; children in the South of the City will go to Lindsorth and children in the North will go to Skilts (Kitts Green). Both these sites are/ will be new builds and purpose built. Add to this the selling of 3 prime sites within the City, Bham will crawl back much if not all of their financial deficit. Some would also say it would help to finance the 2022 commonwealth games!</p> <p>In conclusion, I'm saddened for what the City has proposed/ actioned. I know the difference this provision has made to many hundreds of lives.. I don't like how it has been done, nor the total arrogance and disregard to people's/ staffs intelligence and mental health.</p> <p>Resources like Hunters Hill (with residential provision) are needed within the City. Bham will minimise financial deficit short term but long term, more students will require out of district placements costing the City millions of pounds. I predict the city , once financially viable will do a u turn and resources like Hunters Hill will start to pop up again within Bham. After all, if it was deemed a need within the city once.. why not now?</p> <p>I am proud to have helped as many children of Bham as I did within my years service, I'm disappointed the City didn't recognise the hard work and dedication both myself and all other staff have put into this great establishment. If staff do read this, friends and colleagues, you are all amazing x</p>
ANON-SKHZ-V6VJ-C	Other, please specify	SENDIASS officer	No	<p>While there are many issues with the school - that Ofsted identified - the lack of a clear alternative placements for CYP with SEMH is a real concern.</p> <p>Without these the plan to close the school is short-sighted.</p> <p>It is not clear what efforts were made to secure an academy sponsor - and so this seems to be a rushed decision which does not adequately take into account the needs of existing and future pupils</p>
ANON-SKHZ-V6VY-U	Parent		No	
ANON-SKHZ-V6VD-6	Staff Member		No	<p>The children are being denied a specialist education after years of failing to support the school and the teachers. You must ensure that Hunters Hill is restored to a functioning educational facility.</p>
ANON-SKHZ-V6VF-8	Other, please specify	SEND consultant	Yes	<p>Hunters Hill College gives students many more options other than just a national curriculum. For years the school has seen many students benefit from these options. Our varied vocational courses allow our students the chance to prepare for further education and the world of work. They develop vital skills that make them employable and that gives them a head start in a competitive world. Without this provision they are disadvantaged in the real world. The vocational options provide skills in Motor Vehicle studies, Farm and land studies, skills for working life such as Bricklaying, Painting Decorating, Construction and Cooking. The awarding bodies for each subject are renowned and accepted worldwide, giving recognition both here and abroad. Such facilities must be promoted in our society to give opportunities to our future generations. We need to build on our skills, encourage apprenticeships and generate a skilled workforce if we are to go it alone out of Europe. In order to do this, we need to invest in what we already have, for it to prosper rather than allow a facility to go by the wayside.</p> <p>Currently, in excess of £50,000 pounds is spent per student for private alternative provision. You must ask yourselves why. Our facility can accommodate these students with a little investment. Students can breathe fresh air and appreciate out of city surroundings for a fraction of the cost being paid to private enterprise.</p> <p>I ask for Birmingham City Council to consider keeping Hunters Hill College a facility for those in need, above and beyond financial crisis. Allow us to protect our livelihoods and stay open for the benefit of the students. We were once an outstanding school and can be again if given the chance. We are falling victim to the crisis Birmingham City Council financially finds themselves in, whether that is their own doing or a consequence of our governments management in making investments where they are needed. It is common knowledge that there is a desperate need for provisions for students with special needs.</p>
ANON-SKHZ-V6VX-T	Other, please specify	My son used to attend this school	Yes	<p>Building unsafe, teaching poor and therefore understandable that Birmingham feel they can do so much better for children than this.</p> <p>My son used to attend this school and was discriminated against. Hunters Hill failed to make reasonable adjustments [REDACTED]. He was traumatised put in padded cell and held in restraints prone that could of killed him. The school fails to support pupils [REDACTED]. Pupils are put at risk every day and for the safety of the pupils it should be closed down, children should be entitled to a good education and schools that meet their needs not restraints and seclusion as compliance is the only thing that matters to them.</p> <p>[REDACTED] Hunters Hill did discriminate its not acceptable.</p> <p>The school is not fit for purpose and should close down..</p> <p>This school is guilty of discriminating against pupils with SEND as [REDACTED] found, this school caused no end of trauma to my son [REDACTED]. It is not just my son that they have failed numerous other parents feel this way after there sons were restrained not as a last resort chased onto roofs, neglected and abused by professionals that should of taken care of them. They put pupils at serious risk of harm and their safeguarding is a disgrace.</p> <p>Whistle blowers at the school also raised these concerns however the Local Authority failed to acknowledge these letters...when they had witnessed the trauma many boys had gone through including my son. [REDACTED]</p> <p>[REDACTED] Its a wonder there have been no fatalities here.</p> <p>Prone restraint kills there padded cell was decommissioned as it was not up to standards boys were traumatised and abused in this room...it did not resemble a place where children would be calm it was a prison cell with a heavy cell door.</p> <p>All children deserve a good education and those with SEND need school which meet their needs and those reasonable adjustments need making Hunters Hill fails these pupils. The trauma they have caused to me and other parents and families is unforgivable the damage they have caused our young people is irreparable and we still live that trauma .</p> <p>Teachers are not trained enough on low arousal techniques and there levels of Autism and SEND awareness is shockingly poor.</p> <p>Please save the remaining pupils from this awful place and shut it down find them decent schools which can meet needs.</p> <p>I'm sure some will be to scared to speak out. So I will be their voice as I can clearly see this place is not fit for purpose.</p>
ANON-SKHZ-V6VK-D	Other, please specify	SEND provision in Birmingham	No	<p>I cannot be in favour without knowing what is planned for the existing or potential future students of Hunters Hill. There is a significant problem with lack of spaces for these students currently and this proposal could, unless an effective solution established, make this situation considerably worse.</p>
ANON-SKHZ-V6VP-J	Other, please specify	Support Worker	No	<p>There are not enough school places for the children who attend this type of setting so closing the school will exacerbate what is already a major problem.</p>
ANON-SKHZ-V6VT-P	Other, please specify	Parent of autistic children and good friend of a parent who's children suffered in hunters Hill.	No	<p>After the enquiry we all believed the school would close never to open again</p>
ANON-SKHZ-V6VM-F	Other, please specify	SENCO at Birmingham secondary school	No	<p>There is not enough specialist provision in Birmingham to meet the needs of the cohort. closing specialist provision will add further strain to an already stretched situation</p>
ANON-SKHZ-V6VB-4	Staff Member		No	<p>The school is situated in beautiful surroundings that can offer vulnerable young people outstanding opportunities. The previous successes (prior to recent poor Ofsted judgements) of the school have been a direct result of its location, staff dedication and good management. I am not satisfied that extensive consultations have taken place to rectify the financial deficit by condensing the existing site onto one or that sufficient work was undertaken to respond to the Direct Academy Order.</p> <p>It is my opinion that with the correct and appropriate management, the school could easily be guided back to the outstanding provision that Hunters Hill has been known to be in the past. With a dedicated SLT to drive forward and produce policies that strive to meet high expectations, this would, in turn, create an engaging and safe environment for students and staff alike. Knowing that there was a passionate driving force leading the school would ultimately help to alleviate the issue of low student numbers. I am proud to serve these vulnerable students and believe they deserve a provision that Hunters Hill once was and could be again.</p>
ANON-SKHZ-V6VN-G	Staff Member		No	<p>Hunters Hill is so much more than a school for these young people, it is a sanctuary. It is a safe place that not only provides a fundamental education, it also provides structure, routine, stability, emotional support and love to Birmingham's most vulnerable.</p> <p>Over the years there have been so many successes at Hunters Hill that are often forgotten about, from students achieving the first GCSE level 4s ever in the academic year of 2019-2020 to learning basic life skills such as learning to tie shoe laces or how to catch a bus. The list of achievements here at Hunters is endless. Where else could this be achieved - where there is so much development of the whole child, both pastorally and academically? Not only do we provide support to our students but also to the families who are most in need.</p> <p>The staff team at Hunters Hill have such dedication in ensuring that our students achieve the best possible outcomes and the best start in life post 16. This is evident in the high college placement success rate. Not only do we look after the children whilst at school, we ensure that we are with them throughout the college process to give them maximum support, tailored to their individual needs.</p> <p>Working at Hunters is not just a job, it is a passion - waking up and knowing that you will make a difference to the lives of Birmingham's most vulnerable young people is the most wonderful achievement and I thrive to continue to do this for as long as I possibly can. Both the students and staff live and breathe Hunters Hill and we would be doing these young people an injustice if we have to disrupt their school placements, leaving them to build new relationships with both peers and staff in a completely unfamiliar environment, away from what they are used to. It has been a difficult year for everyone and it has been evident just how important Hunters Hill is to all students after their extended break due to Covid. This alone has disrupted them and their families lives significantly, it would be wrong to disrupt them further with the stress of having to find new placements and leave behind what is so important to their development.</p> <p>I am proud to say that I work at Hunters Hill and always will be.</p>
ANON-SKHZ-V6V7-S	Local Councillor		No	<p>Concerns around appropriate alternative provision and adequate provision. what is being done to replace the number of places for people in the city with SEND?</p>
ANON-SKHZ-V6VZ-V	Staff Member		No	<p>I am strongly opposed to the closure of Hunters Hill College.</p> <p>In my [REDACTED] years at the school, everyday I see success after success. The pupils thoroughly enjoy coming into school each day and have a unique relationship with staff that allows their needs to be met each and every day.</p> <p>This has been even more pertinent since school started up again after the return to school due to Covid-19. Pupils were so desperate to come back as it is their safe place and the one place that is a constant in their lives.</p> <p>We are a school for pupils with social, emotional and mental health issues and closing the school and simply re-housing our pupils would have absolutely catastrophic outcomes to their mental well-being for many years to come and could easily have an adverse impact to the rest of their lives.</p> <p>It takes many of our students an extremely long time to build up the appropriate relationships with adults and taking a child out of Hunters Hill, a place where they trust the staff, to then ask them to go and start again at another school would be morally wrong on so many different levels. It wouldn't be fair on the pupils themselves and also on the parents who would have to also start all over again with their child to even convince them to get up in the morning to go to school, let alone engage in lessons and do the very best they can each day.</p> <p>The whole setting and environment of Hunters Hill is unique in itself. Set in the middle of the countryside, with access to a farm and excellent forest school facilities, this is an experience that our inner city students would otherwise not have.</p> <p>The multiple opportunities for pupils to thrive and develop are endless which is why Hunters Hill is such a special place and the students need to continue with it being a part of their lives.</p>
ANON-SKHZ-V6V8-T	Staff Member		No	<p>I strongly oppose the closure of Hunters Hill. In the [REDACTED] I have been a part of the Hunters Hill family, I have had the privilege to have taught and met some remarkable individuals. I entered the education sector to make a difference, to help mould tomorrow's generation and am a strong advocate in the belief no child should be left behind. Every child should be given the necessary support and guidance to be the best versions of themselves. This applies nowhere stronger than at Hunters Hill, a SEMH school catering for some of the most vulnerable young adolescents in the city. Having read many of the children's EHCP's to gain the knowledge to understand the children better, they proved harrowing reads being confronted by some of the starts the children have had to contend with. Many neglected in the very place one should feel safest, at home; yet they come to Hunters Hill and we as a school and staffing group make them feel safe. We pick each child up and build them from the ground up, giving them a reason to trust, have self worth, a reason to smile, a belief they are NOT forgotten and they will NOT be left behind. While we teach the children academically we also equip them with the social understanding and skills to enable them to thrive outside the bubble in the real world upon leaving. At Hunters Hill the children are given a chance. In my opinion to take this away from the very children who need it most and ask them to start again somewhere else would be hard to comprehend. To ask these individuals many with differing needs to build new relationships in a new environment at such pivotal times in their formative years could have detrimental effects long term. The joy displayed on the children's faces upon arriving back on the first day after isolation is something that will remain with me. The shadow of the consultation looms dark not only over the children but many parents, guardians and carers who see the great work Hunters Hill and the staff in particular have done and continue to do first hand. The anxiety felt by many parents who have showed their support for the school has direct negative repercussions for the main victims who are the children. Hunters Hill is more than a school, it symbolises a chance. I urge you to allow these children and many more to continue to be given that chance Hunters Hill and the staff offer. Keep the school open and support us in achieving my goal that no child should be left behind.</p>
ANON-SKHZ-V6VH-A	Local Resident		No	<p>no comment</p>
ANON-SKHZ-V6VW-S	Other, please specify	Former member of staff	No	<p>The school has been let down by poor leadership since the retirement of [REDACTED]. Under proper management the school was brilliant and can be brilliant again</p>

ANON-SKHZ-V6V4-P	Staff Member		No	We are in need for secondary SEMH Schools in Birmingham.
ANON-SKHZ-V6V9-U	Staff Member		No	As [REDACTED] teacher at Hunters Hill I see the benefits every day the pupils get from being at our wonderful school this is why I am strongly opposed to the closure of Hunters Hill College. In my [REDACTED] years at the school, everyday I see success after success. The pupils thoroughly enjoy coming into school each day and have a unique relationship with staff that allows their needs to be met each and every day. This has been even more pertinent since school started up again after the return to school due to Covid-19. Pupils were so desperate to come back as it is their safe place and the one place that is a constant in their lives. We are a school for pupils with social, emotional and mental health issues and closing the school and simply re-housing our pupils would have absolutely catastrophic outcomes to their mental well-being for many years to come and could easily have an adverse impact to the rest of their lives. It takes many of our students an extremely long time to build up the appropriate relationships with adults and taking a child out of Hunters Hill, a place where they trust the staff, to then ask them to go and start again at another school would be morally wrong on so many different levels. It wouldn't be fair on the pupils themselves and also on the parents who would have to also start all over again with their child to even convince them to get up in the morning to go to school, let alone engage in lessons and do the very best they can each day. The whole setting and environment of Hunters Hill is unique in itself. Set in the middle of the countryside, with access to a farm and excellent forest school facilities, this is an experience that our inner city students would otherwise not have. The multiple opportunities for pupils to thrive and develop are endless which is why Hunters Hill is such a special place and the students need to continue with it being a part of their lives.
ANON-SKHZ-V6VU-Q	Other, please specify	Ex Staff Member	No	The school has the potential to be a good, focused SEMH special school which serves the city of Birmingham. It's buildings on the whole are reasonable, the Cropwood site should be sold off to pay for the debts that Birmingham city council has allowed the school to build up through under funding. The removal of the residential provision was a positive move and it now should have the chance under, permanent, supportive leadership to improve and provide support. The school has not enrolled y7s this year even though there were pupils ready to join. The excuse of the school being in special measures was used when actually the plan was to allow skilts school to keep its Y6 cohort and take more on in preparation to move. The support that the school received through BEP and FET was mixed and often misguided and contradictory to each other. If the debt was wiped, the school would be a prospect for a MAT group to take it over and build it for the future. The whole process stinks of conspiracy and underhand actions from BCC, BEP and FET and has never had the education and futures of its pupils at the heart of its decisions.
ANON-SKHZ-V6V5-N	Staff Member		No	no comment
ANON-SKHZ-V6V6-R	Staff Member		No	no comment
ANON-SKHZ-V6V5-Q	Staff Member		No	I am strongly opposed to the closure of Hunters Hill College. Everyday I see success after success. The pupils thoroughly enjoy coming into school each day and have a unique relationship with staff that allows their needs to be met each and every day. This has been even more pertinent since school started up again after the return to school due to Covid-19. Pupils were so desperate to come back as it is their safe place and the one place that is a constant in their lives. We are a school for pupils with social, emotional and mental health issues and closing the school and simply re-housing our pupils would have absolutely catastrophic outcomes to their mental well-being for many years to come and could easily have an adverse impact to the rest of their lives. It takes many of our students an extremely long time to build up the appropriate relationships with adults and taking a child out of Hunters Hill, a place where they trust the staff, to then ask them to go and start again at another school would be morally wrong on so many different levels. It wouldn't be fair on the pupils themselves and also on the parents who would have to also start all over again with their child to even convince them to get up in the morning to go to school, let alone engage in lessons and do the very best they can each day. The whole setting and environment of Hunters Hill is unique in itself. Set in the middle of the countryside, with access to a farm and excellent forest school facilities, this is an experience that our inner city students would otherwise not have. Not only outdoor activities but lessons such as art, motor vehicle C.D.T. The grounds itself offers the space most of the pupils need to either express themselves. The multiple opportunities for pupils to thrive and develop are endless which is why Hunters Hill is such a special place and the students need to continue with it being a part of their lives.
ANON-SKHZ-V6VA-3	Local Resident		No	no comment
ANON-SKHZ-V6FR-4	Local Resident		No	no comment
ANON-SKHZ-V6FV-8	Local Resident		No	I believe this is a much needed facility for children with educational needs that this provides
ANON-SKHZ-V6FQ-3	Staff Member		No	This is a repeat of the comments I made in part one as it was not made clear that those written comments would not be shared with the decision-makers. However, I made a positive comment relating to the new leadership in my previous response which I can no longer agree with. The influx of advisors, governors and in-school leadership have been unable and/or unwilling to effect the positive change that was promised and that three of the (BCC-appointed) governors are in favour of the closure speaks. That the clear majority of respondents to part one were either neutral or against the proposal, but with BCC pressing on with the process regardless without modification, suggests to me that this is a sham consultation and the decision has already been made. This was my previous response: "It baffles me that a school where exam results, the breadth of the curriculum, and leaving destinations and courses taken up post-16 have all been improving year on year, should be at risk of closure. Within the last four years the school was asked by the local authority to increase its PAN to have an additional class of children! It is clear from the Ofsted reports that the rapid decline in the school's fortunes (despite the curriculum, results and pupil destinations improving) has been down to leadership and management issues. Hunters still has the capacity to get back to good if only it, the staff and students were provided with genuine, committed and skilled support. The site has a restrictive covenant and also has some excellent vocational facilities which are completely unmatched by any other special school in the area. Food, hospitality and catering, motor vehicle maintenance, multiskills, farming and animal care; PE equipment and facilities are all on offer one site and many were grant-funded. That plus the covenant would surely mean that the most efficient way forward would be for funding to be found to repair as necessary and continue to use this wide range of teaching spaces which is like no other available to BCC. At worst, Hunters Hill should be repurposed to offer either a 14-19 or 16+ SEN education (which would complement the news that the Lea Hall Academy could be expanded to cover KS3) with a focus, but not limited to as core and foundation subjects are also strong, a vocational provision. If Hunters closes funding will need to go to other special schools to make spaces for our boys, and those schools will need to pay AP providers to allow students to access a comparative curriculum offer elsewhere. Surely it makes more sense to put that money back into Hunters Hill instead and make the most of the hard working and willing staff who have remained committed to the students throughout this time".
ANON-SKHZ-V6F1-3	Staff Member		No	I have been a staff member at Hunters Hill College for [REDACTED] years now and have had the privilege to watch young, challenged individuals thrive in a truly unique setting. [REDACTED] growing up we always had access to woodlands and forestry settings like Hunters Hill and I think to myself regularly how grateful I was to have this. Our students all suffer from social, emotional, and behavioural challenges and after running various outdoor activities I have seen first-hand the positive impact our setting has on students at Hunters Hill. Removing Hunters Hill as a provision would have a detrimental impact on our students as our location provides a safe setting where young people can express themselves without the fear or judgment from the world around them. It is no coincidence we received an Outstanding judgment from Ofsted five years ago when our curriculum used to cater for the needs of our pupils.
ANON-SKHZ-V6FJ-V	Local Resident		No	It is impossible to judge the proposal without BCC clearly stating first what alternative provision will be made for the pupil provision and secondly what sustainable use BCC proposes for the site which is held in trust and hence must conform with charity commission law.
ANON-SKHZ-V6FE-Q	Other, please specify	Worcestershire Children First on behalf of Worcestershire County Council	Yes	This school is located within the geographical boundaries of Worcestershire and currently supports 4 Worcestershire pupils with specialist needs. We do not have any objections to this proposal however the closure of the facility will require alternative placements to be found for these pupils. We appreciate the continued engagement Birmingham CC have provided us with during this proposal and appreciate continued close working to ensure children and young people are able to access good education places that meets their needs.
ANON-SKHZ-V6F3-5	Local Resident		No	BCC are not acting in accordance with the Trust Deed that the estate was originally passed over or the interests of the residents of Blackwell
ANON-SKHZ-V6FF-R	Local Resident		No	As an Assistant Headteacher at a local school, I battle constantly with trying to get students in Worcestershire with EHCPs in to named specialist schools. I am constantly been told there are no places available and therefore I daily see children that need specialist environments like this school being let down. This school is on the Worcestershire border and needs to remain open to support its county neighbour. Also, as a local resident, this school should remain to give the students the opportunity to be in a rural area, away from inner city issues and give the students the chance to explore.
ANON-SKHZ-V6FX-A	Local Resident		No	I feel this school provides a valuable service for children and parents. Without this school there would be an enormous gap in meeting the educational needs for pupils who need it most!
ANON-SKHZ-V6FG-S	Local Resident		No	I feel that the school could be an excellent facility with the right investment and leadership, offering great opportunities for children in need of behavioural support, or the buildings could even be repurposed as an outdoor education centre for the city's schools. It feels like a waste and a failure of imagination to close the school. Any attempt to sell the land for development would breach the covenants in place and would be strongly opposed by local residents.
ANON-SKHZ-V6FP-2	Local Resident		No	There has been little done to inform the village of this process. We don't get a local paper and a huge majority of the village are not in social media. This affects the village and yet we aren't informed. Special schools are needed it should remain a school and I would be against building as we don't have the infrastructure to support the extension to the first school let alone any further housing. Make sure that you give opportunity to offer a proper consultation not during covid when you are restricting peoples access, such as those without internet access or limit ability on the internet
ANON-SKHZ-V6FC-N	Other, please specify	I am a former staff member. I worked at the school	No	I am strongly opposed to the closure of Hunters Hill College. Despite only working at the school [REDACTED], I can honestly say that it was the most rewarding [REDACTED] of my teaching career so far. Each day I saw children go from strength to strength. The pupils at Hunters Hill all have some form of social, emotional and mental health issues, which at first was very overwhelming for myself. However, being in and around the school after a few weeks, I noticed very quickly just how special the relationships were between the staff and the pupils. I believe that closing the school would be so damaging to so many of these pupils, as for many, it is their safe place. For lots of the pupils at Hunters, building relationships does not come easy to them. I for one witnessed this first hand when I first joined the school. Without the staff having the relationships which they had already cemented with those pupils, I would not have been able to have made the impact on those pupils learning, as I did. The whole environment at Hunters is fantastic for these pupils. The majority of the pupils come from tough urban backgrounds. Whereas, Hunters is the complete opposite to that. Its peaceful and Tranquil rural surroundings, allow the pupils to access great experiences such as the farm across the road and forest school (which is the pupils favourite for sure). These experiences are not possible in their usual inner city lives and are just a few examples of how these pupils benefit from having access to these facilities. Hunters is such a special place and when I was informed of its closure by a previous work colleague, I did not even hesitate to ask is there anything I can do. I hope the above gives you a taste of why Hunters needs to stay open and to continue to support the learning of these vulnerable children.
ANON-SKHZ-V6FM-Y	Other, please specify	I was a Teacher at Hunters Hill for years.	No	There are very few schools which cater for the kind of pupils that Hunters Hill has. I am aware of the deterioration of some of the buildings and also the change in the care given to the pupils. If the school had received the care and support needed, the buildings would not be as they are now. What concerns me is that there may be some ulterior motive to this closure. The land is valuable and although there is a Cadbury Covenant on the land, such covenants have been ignored before. I know that I am probably wasting my time in expressing these views as I think the decision has already been made. Ofsted results are merely being used to back up the decision to close. As always, the students and their needs come last. We fought these attitudes for years and made a difference to some students lives. That will not happen anymore!
ANON-SKHZ-V6F7-9	Local Councillor		Yes	Given the present unviability of the school I agree that there is no other option but to close the school. I understand that the future of the site is not the subject of this consultation but if it were possible to retain some of the excellent facilities there for use by young people I would be in favour of doing so. I am particularly concerned about the loss of the outdoor facilities on the Cropwood site and especially the climbing equipment. The little farm and the training garage as well as the computer suite donated by IBM, I believe, will also be significant losses and I hope efforts will be made to offer the pupils school places where similar opportunities / facilities are in place. Former pupils at Hunters Hill have gone on to become successful in many types of employment and some run successful businesses [REDACTED] where I am a very satisfied customer. The catering industry has particularly benefitted from the training provided by the school, which also produced a [REDACTED]. These achievements should not be forgotten.
ANON-SKHZ-V6FZ-C	Local Resident		No	There needs to be more effort made to address the issues that exist with Hunters Hill School. The loss of these special school places will place an unacceptable burden on the wider school system in Birmingham and will lead to significant prejudice to the children and young people at Hunters Hill School and beyond.
ANON-SKHZ-V6FH-T	Staff Member	BCC Head Teacher	Yes	I believe that the school needs to close. Most of the staff are in denial regarding the need to develop and improve which makes it very difficult to shift the culture. The buildings are not suited to educate any pupil let alone SEMH pupils.
ANON-SKHZ-V6FW-9	Staff Member		No	no comment
ANON-SKHZ-V6F4-6	Local Resident		No	no comment

ANON-SKHZ-V6F9-B	Staff Member		No	Having worked at Hunters Hill for █ years I have seen the impact the school has had on students first hand. The range of SEMH that students attending Hunters Hill have is wide and varied but every effort has been made by staff to support each and every one of them. This is not only with their education but also with their mental and cognitive development needed for their transition to the outside world. Whether this be in their continued education or their pursuit of a career, I have witnessed the growth needed to function and flourish in their chosen paths. The school has had a focus on NVQ for students approaching year 11 and this has primarily been evident in the work undertaken in Motor Vehicles, Food and Catering and Physical Education. Although many students have initially shown to be difficult to 'reach' at the point of starting their journey at Hunters Hill, I have consistently watched such students mature, gain confidence and develop the skills, both socially and academically, needed for their progression in a chosen field of study or work. There have been numerous success stories regarding students who have gone on to achieve their goals upon leaving Hunters Hill. It is with this view and hope that the school can go on offering such opportunities to those students who need them most.
ANON-SKHZ-V6FU-7	School Governor		Yes	no comment
ANON-SKHZ-V6FS-5	Staff Member		Yes	no comment
ANON-SKHZ-V6F6-8	Local Resident		No	1) In the medium term, the careful educational provision by the City Council for pupils with the special needs for which Hunters Hill College has catered in the past, including a suitable setting for respite care, which the rural setting of Hunters Hill College has, and could still, satisfy (given appropriate resources). 2) In the long-term, appropriate maintenance and ultimately an appropriate use (presumably educational?) for this site, in a rural setting on Green Belt land. This use would have to be found, and, as I understand it (quoting from a past Birmingham City Council document concerning the College's land-use) "The City Council acts as Sole Corporate Trustee for a number of charitable and non-charitable Trusts and has delegated day to day decision making to the Trusts and Charities Committee. Charitable trust activity is regulated by the Charity Commission and any proposals relating to the estate will be governed by the Trust document as amended by any Scheme approved by the Charity Commission. The Cropwood Estate Trust holds the freehold interest of the land held in trust as Sole Trustee and is responsible for ensuring the Trust is managed in accordance with the governing document and in accordance with charity law and relevant Charity Commission guidance. The Trustees of the Charity could rely on the provisions of the Section 6(1) Trusts of Land and Appointment of Trustee Act 1996 which provides an implied statutory power of disposal. However, the Charity Commission Scheme dated 12th November 1997, establishing the regulation of the Charity also provides appropriate powers for the disposal of assets by sale or for lease. It requires that all such disposals be conducted in line with statutory processes set out in the Charities Acts and that the proceeds of any sale be invested in trust for the Charity." Therefore, it is important to note that the Council cannot sell this land and simply benefit from the proceeds going into its general coffers. These have to be invested in the Cropwood Estate Trust, if I have this correct. Aims and Objectives of the Trust Each property in trust is held as a separate trust and decisions need to be in the best interests of that trust. The assets of the Trust should at all times assist the Trust to comply with the Objects of the trust. The specific objects of the Cropwood Estate trust are wide ranging and are: the furtherance of any charitable purpose for the benefit of the inhabitants of the City of Birmingham including all or any of the following purposes (a) the provision and support of educational facilities (b) the provision and support of facilities for recreational and other leisure time occupation with the object of improving the conditions
ANON-SKHZ-V6F5-7	Local Resident		No	Simple lack of funding is a poor excuse for closing a special school in such a wonderful and beneficial environment. I understand that the city is in financial dire straits but you have a duty of care to these children with needs (and to other potential future pupils of the school). This school and this unique environment has the potential to benefit so many city children in a meaningful way. Poor fabric of buildings and failing inspections are as a result of being left to run down by a failing LA. Why are numbers on roll dropping? Perhaps a cynic may believe it is because there were plans to close so potential pupils may have been sent elsewhere? The farm and the unique environment and outdoors activities are a fantastic and life changing resource for the children of Birmingham who are lucky enough to be enrolled here. The intention of the Cadbury family who left the land and buildings to the city was that to fulfil this purpose (and similar). We know the physical and mental health benefits of access to the natural environment - schools are rolling out forest school programs because it is proven. It seems short sighted and unambitious of BCC to force the closure of this school without exploring the options to keep it open. Worcestershire is desperate for special school places - would a joint venture not be a solution? forcing pupils in BCC LA into other schools will only put pressure on them. Please KEEP IT OPEN, INVEST, USE IMAGINATION and SAVE THIS RESOURCE FOR THE FUTURE!
ANON-SKHZ-V6JR-8	Staff Member		Yes	To close the school, yes. Outdated and not capable of catering for the children.
ANON-SKHZ-V6JV-C	Staff Member		Yes	The school is, in my opinion beyond repair. There is a long legacy of dysfunction which is far reaching. This makes improving teaching and learning almost impossible to improve.
ANON-SKHZ-V6JQ-7	Local Resident		Yes	Not safe for SEMH pupils needs, Hunters Hill needs closing its beyond repair
ANON-SKHZ-V6J1-7	Local Resident		Yes	The quality of the education is poor and is not fair on the children
ANON-SKHZ-V6J1-Z	Staff Member		No	Hunters Hill was an excellent school and provided a safe, secure environment for pupils to learn and grow. It had a dedicated staff that went above and beyond to ensure that every opportunity possible was offered to the students. This all changed a number of years ago when long-standing senior staff left and inadequate staff, with no understanding of the complex issues these young people face, were employed to run the school and a path of destruction was in place. This was exacerbated when Forward Education Trust came on board making changes that weren't in the best interest of the students, staff and Hunters Hill as an establishment. Hunters Hill could pride itself on the fact that staff loved their jobs and change of personnel was very low. The residency offered a wealth of opportunities to the young people that they wouldn't have necessarily accessed in their home lives and this was the first to be hit and an excellent team of staff that went above and beyond their duties took the blow and lost their jobs because an ulterior motive was in place. Then came the decision to close Hunters Hill School. Apparently this wasn't a planned decision yet no new pupils were being referred, money wasn't available for repairs (so the excuse of the building having gone past its prime was used) and an Ofsted report that highlighted faults with Senior Management resulted in Forward Education Trust being employed (at a vast expense I should imagine) to try and get Academy status so it wouldn't belong to Birmingham City Council anymore, when no one was interested it was a case of let's just shut the place. Since returning in September the school has been closed for various reasons which feels like it's just another nail in the coffin and a step closer to closure. It would also seem that Forward Education Trust no longer have an interest as there has been no input from them since the announcement of the closure other than a couple of Teams meetings. Home staff supported in the school so a loss of 15 people on the shop floor is a huge amount and this has impacted on the way the school functions. There has also been a large number of school staff that have moved on due to the insecurity that is now faced and they are not being replaced at the same level of experience. Agency staff, that aren't Prime trained, are being taken on and being put in situations that aren't safe and along with all staff they could find themselves in vulnerable situations. Hunters Hill school is a Birmingham school in the county of Worcestershire and it used to be the case of out of site out of mind but now it's a case of let's cash in on this and try to sort the council's deficit. In all of this the students should be first and foremost but their needs seemed to have been neglected for financial reasons. The atmosphere at Hunters Hill is one of lack of support and fear of doing something or saying something that could cause repercussions.
ANON-SKHZ-V6JE-U	Parent		No	This school is a fantastic school with all teachers going over and above their duties. At all times they have the pupils' wellbeing as their priority. The Ofsted was corrupt. It was part of a corrupt plan that people outside don't see. They bought in a corrupt █ Forward Education Trust who is also in a high position in Ofsted to get the ball of destruction set in motion by giving an unfair corrupt Ofsted inspection. Then they can destroy the staff and pupils that were happy and committed to the school, all so it can give the school a bad reputation. They firstly closed the residency after wasting over £50,000 on decor and new furniture only to not be used as they had no intention of reopening the residency. If the school is in such a sad state of repair why waste this £50,000 instead of maintaining the school itself. The reason being Birmingham City Council don't want to finance the outer boundary schools any longer so they use dirty tricks to ruin it and give it bad publicity. They have done it to 3 outstanding schools Skilts, Hunters Hill and now they have started on Springfield House. They brought in the Forward Education Staff to run the school in to the ground and in the meantime the pupils and staff are being damaged. These pupils gave had an unsettled education previously but they finally fitted in at Hunters Hill. This school always pushed to pupils to do well and build their self-esteem. I am mortified and so angry and upset at the decision to close this school because you will not get a better SEMH school anywhere. I cannot believe how this corrupt plan has been legal and allowed its disgusting and heart-wrenching. There is a lot more to this corrupt behaviour that we as pupils' parents and staff know but it will take too long to explain it all but it is an abuse of the system and totally corrupt. Few years ago they tried to do away with special schools as they wanted pupils to be integrated in to mainstream but they didn't win this fight but now they're trying it again. Luckily I had someone on that panel with Albert Bore then who fought for these special needs pupils. Parents and carers who have a special needs child know how important these schools are and how they finally get accepted. Then the learning and social skills follow. I am so upset about the decision with Hunters Hill because this school is totally amazing with the original Hunters Hill staff. They gave 100% and the pupils were happy and well educated. If I could do anything to change your decision I would as the pupils deserve to keep this school open. The staff deserve to keep their jobs and be treated with respect. I wish this decision can be overturned and the Hunters Hill staff are allowed to continue the excellent work. Its heartbreaking what's going on and destroying lives. Surely the money that has been wasted on the furniture sitting in the residency etc could be sold to help pay for the building and get sponsors etc. I pray a miracle can happen and you will overturn this decision and let Hunters Hill remain open and take out the Forward Education Trust staff out. █
ANON-SKHZ-V6JY-F	Staff Member		No	Writing in terms of a number of areas of this consultation. I'm against closing the school. The school could be and would be a good school if the correct guidance and leadership was in place, OFSTED criticized management and this has never been addressed and has continued to deteriorate. The support that was put into place was inadequate and the school got worse, the staff and students have not been given the chance to show improvement throughout this time. The current leadership I would even go as far as to say that was put in place to wind the school up and even make the place unsafe to work. BCC have showed no support in years in any context especially financially. BCC have let the situation develop and have not intervened. BCC are also unwilling to answer the questions put to them on finances, leadership and more. Questions over who is responsible for the school site - governed by Cropwood trust but overseen by BCC. Then who is then responsible for maintaining the school. If neither side can agree then what chance does the school have. There have been buildings on the site sold but the school sees no money returned. The maintenance of the school is often as needed and not planned. Questions still lie over the papers that were brought against the school again never been no answers on the accusations, has this been covered up? Accusations about the Senior support brought into school to help the school improve. Student numbers have been put on hold and manipulated by BCC, consultation at Skilts and Hunters was not part of it. Not a fair process or appropriately managed. These processes affect the numbers in school. A committed and well-trained staff group that have done and did everything to support and help students progress. Over the years every child leaves the school with a future, has developed the basic skills to succeed. Unfortunately SENAR has spent the last few years changing the type of student sent to school and been placing the wrong students in the school, this leaves the school with a lack of training and development. Training and development of staff has been limited. In relation to OFSTED the school was challenged to offer the students more, the departments and staff in school rose to the challenge and now students achieve GCSE's and new qualifications successfully. The travel to the school has been stated an issue, the school have offered options to cut the cost but the BCC have no interest in listening it would have been possible to halve the budget. Where are these students going to go, a study and articles showed recently that there are no enough spaces in Birmingham for students with and EHCP plan. This has been questioned and again no answers. Current students in Year 10 they have started exam courses how can it be acceptable at all or even ethical to move these students to other establishments during their exam years - you are potentially destroying the future of a number of young people? Schools they may move to could be doing different exams and different exam boards students with multiple needs expected to suddenly adapt to some where new? There seems to be a lack of understanding of the needs of the students by the people in BCC. There is no communication from the IEB to staff, only once have they said anything to the staff in 9 months. There are no governors/IEB minutes of meetings available for the last few years. No financial records available to review. In sadness I think the decision on Hunters Hill was made by certain people in the offices of BCC and whatever the way this decision will be driven through whether it's at the detriment of students, parents'/carers' and staff. It is even possible to say this decision is potentially driven by financial need and has involved choices that could be seen as corrupt between the few people involved. In 20 years of teaching I have never seen students and staff treated in such a disgusting and disrespectful way.

ANON-SKHZ-V6JD-T	School Governor		Yes	<p>The school's location, lovely though it is in the Worcestershire countryside, is not practical for a Birmingham School. Most pupils have significant journey's to and from school each day, which is not good for their health and well-being and is a financial burden on the authority. These pupils deserve quality provision that is much closer to their homes. There is no justification that I can see for retaining a school in the current location.</p> <p>The buildings are not fit for purpose. The main school buildings are well past their 'end-of-life'. They are very expensive to maintain even to a basic standard, and do not provide the sort of spaces and facilities expected or required by a school these days. Despite considerable investment by BCC in maintenance and repairs there is a long list of urgent and costly works required simply to maintain the status quo. If a school was to be retained on this site a completely new building would be required that was suited to providing a quality education for today's young people, and that could be maintained at affordable costs.</p> <p>The main Cropwood House was clearly once a magnificent building. However, years of retro-fitting and neglect have left a shell that requires multi-million pound investment to bring it back into use. Even if this was done, I would argue that it would not be suitable for use as a school without destroying the original features that do remain inside. Asbestos is a concern in both of these buildings, and is something that would have to be dealt with if any redevelopment was to take place.</p> <p>I do believe that over the past 12 months, despite the challenges posed by Covid-19, progress has been made in improving the education offer for the pupils that remain at the school. However, this has been hampered by many external factors, and will only really be achieved by the appointment of a number of quality teachers, experienced in dealing with SEMH pupils. This is not something that can be remedied overnight, and attracting such staff to the current school will be extremely challenging. A significant proportion of the staff that remain in post at the moment have been appointed to roles for which they are not properly qualified and then have not received the support necessary for them to try to improve and up-skill. Poor practice is in-grained in many systems throughout the school to the extent that there is little understanding of the need for change.</p> <p>The school is not financially viable in its current state. Every effort has been made to reduce expenditure. However, historically the school has relied on the additional funding brought in by its previous status as a residential school. Even with this aspect of the school's work and staff removed, historical decisions made by previous governing boards around use of the budget leaves us with staffing costs that exceed income, and that is before other basic requirements such as fuel are taken into consideration. Obviously, funding could be improved by the allocation of additional pupils. However, this would also require additional high calibre staff, and premises that were fit for purpose. Turning around the current budget deficit position could take years to achieve, if it is at all possible. Regrettably, historical decision-making has not had pupil's welfare and progress at its heart.</p> <p>Clearly, if the school is to close this will mean redundancy for the staff that are left. A number have already been successful in securing new posts elsewhere. If staff are well-qualified they should be able to secure new appropriate posts; teaching is a profession which always has roles for qualified individuals. I am not dismissing the stress that this will cause, but trying to be pragmatic.</p> <p>There are clearly concerns from local residents about what would become of the site if the school is to close. This is something that perhaps should be addressed more robustly and openly by BCC and the Cropwood Estate Trust. However, this is not a reason for keeping the school open.</p>
ANON-SKHZ-V6J3-9	Staff Member		No	<p>Hunters Hill College is a great asset to the people of Birmingham, particularly for young people with SEMH issues and their families. The staff are highly trained in areas such as restorative practice, psychologically informed environments, behaviour recovery models and deescalation techniques. The setting offers a unique and therapeutic environment which would be difficult to replicate. There are specialist resources such as motor vehicle, the farm, multi sensory learning environment which offer a very unique service to Birmingham's young people. I feel that the staff have not had a fair opportunity to move the School in the right direction. The School Improvement Plan has not been coproduced with staff. The current executive head has overseen many of the issues that form part of this consultation, yet their contract has been extended. I think with an innovative SLT in place that work in partnership with the staff team and key stakeholders, Hunters Hill could become an outstanding School and centre of excellence for young people with SEMH.</p>
ANON-SKHZ-V6JX-E	Local Resident		No	<p>I agree with the comments made by my next door neighbour [REDACTED] who has raised some valid points. Thank you [REDACTED].</p>
ANON-SKHZ-V6JG-W	Local Resident		No	<p>I second comments made by neighbour and local resident [REDACTED]. Thanks [REDACTED]</p>
ANON-SKHZ-V6JT-A	Staff Member		No	<p>The school location allows students to have an exclusive environment away from their inner city lives. They have extraordinary learning experiences which will be lost if the school closes. Teachers and support staff are dedicated to improve the future opportunities of all students. Students gain essential life skills to help them contribute to society.</p>

**Birmingham City Council
Proposed Closure of Hunters Hill College
December 2020**

1. The NASUWT welcomes the opportunity to comment on the proposal by Birmingham City Council (BCC) to close Hunters Hill College (HHC).
2. The NASUWT is the largest union representing exclusively teachers and headteachers in the UK.

GENERAL COMMENTS

3. HHC is a setting which caters for pupils who have challenging and often negative educational experiences which have led to significant social, emotional and behavioural needs. As such, the staff at the college are dedicated professionals who, day in and day out, strive to do their very best for the pupils in their care.
4. The NASUWT is disappointed that the Council has decided to close HHC rather than invest in its future. However, this failure to invest is not a new phenomenon.
5. There are numerous examples of BCC's neglect of the school. This is most evident in the Acivico 2019 report into the state of the buildings, which found high levels of deterioration in the fabric of the school, caused by a lack of both routine maintenance and ongoing investment in the college.
6. The poor state of the buildings is one of the reasons put forward by BCC for closure of the school, yet this is the direct fault of the local authority, in its neglect of the school.

7. A further reason for the closure is the falling numbers of pupils. Again, this is in the direct gift of BCC, who decided to pause placements to the school. Members also report that there has been no communication with HHC over the proposals to increase the age range of the Skilts School which is a direct feeder to the college.
8. The Ofsted inspection which placed the school in special measures is cited as a further reason for closure, yet there appears to have been little support offered to the school from the employer. Members report that there has been no action plan shared, and since the appointment of an improvement partner, the situation has further deteriorated rather than improved.
9. The Ofsted report was also highly critical of the management of the school, yet there has been little to address this, and the further deterioration at the school is evidence that management is still failing.
10. The final reason cited for closure is the parlous state of the finances. Notwithstanding the direct link to pupil numbers mentioned above, there appears to have been no attempt by the local authority to rectify the situation before it became apparently terminal. For example, at no time was the staff body consulted about possible cost savings, such as taking the pupil transport in-house.
11. The serial mismanagement by the local authority has led to significant numbers of agency staff being required for the school to function, compounded by an astonishing rate of suspensions. The NASUWT understands that around 14 staff have been suspended from duty recently, an incredible amount which the NASUWT believes to be comparable to the rest of the city as a whole – at more than 400 other settings. It is hardly surprising that the school is in financial difficulty given these factors, which again are in the gift of the employer.
12. There are also questions around the role of the Cropwood Trust, of which BCC is the sole trustee. The NASUWT understands that the recent sale of buildings resulted in proceeds of £800,000, yet the school does not appear to have received a single penny.

13. It should be noted that the land now owned by the Trust was originally gifted to City for the purpose of establishing a school. Closure of the school on the site is not in the spirit of that original gift.
14. The lack of investment and routine maintenance, the block on new pupils joining the school, and the lack of general support, give the impression that BCC has been deliberately winding down the school for some time, and the closure of the school has become a self-fulfilling prophecy.
15. The NASUWT is also concerned that this consultation process is not meaningful, as members have been informed by members of the senior leadership team that the school will close.
16. The NASUWT has further concerns around the consultation process, particularly that comments submitted in the phase 1 consultation will not feature in the final consultation report. The NASUWT sees no rationale for this whatsoever.
17. It is a rather bizarre situation in a consultation for submissions not to be included in the final report, and even more so that the local authority expects submissions from the phase 1 process to be resubmitted in order for them to be considered.
18. The NASUWT is deeply troubled by reports from members that questions around the proposals are regularly going unanswered, compounded by the fact that the members report having little information provided by the Interim Executive Board. This further supports the view that the consultation is not meaningful and that the decision to close is a *fait accompli*.

SPECIFIC COMMENTS

19. From the consultation documents, it is unclear what will happen to the pupils, notwithstanding some vague assurances around the input of the Special Educational Needs Assessment Review Team (SENAR). This needs to be clarified as a matter of urgency.

20. The exceedingly high number of staff suspensions is of grave concern to the NASUWT. It certainly gives the impression that the employer may be seeking to reduce redundancy payments by seeking to dismiss as many staff as possible. As noted above, the high numbers of suspensions is directly impacting on the financial situation in the school.
21. The role of the Trust and its interface with BCC is opaque. This also needs to be clarified as a matter of urgency. The lack of clarity and transparency over the future use of the site, should the school close, is again concerning.
22. Although disposals are permitted, BCC should immediately clarify what is likely to happen to the site, given that it was originally gifted to the City for the purpose of establishing a school. As disposals are permitted, BCC should also be clear on what would happen to the proceeds of any disposals, and indeed, previous disposals.

For further information on the Union's response, contact:

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Opening and closing maintained schools

**Statutory guidance for proposers and
decision-makers**

November 2019

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1: Summary

About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when carrying out duties relating to establishing (opening) a new maintained school and / or the discontinuance (closing) of an existing maintained school.

The purpose of this guidance is to ensure that good quality school places are provided where they are needed, and that surplus capacity is removed where necessary. It should be read in conjunction with Part 2 and Schedule 2 of the Education and Inspections Act (EIA) 2006 as amended by the Education Act (EA) 2011 and *The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013*.

Review date

This guidance will be reviewed in September 2020.

Who is this guidance for?

This guidance is relevant to all categories of maintained school, unless explicitly stated otherwise, and is for those proposing to open and / or close a school (e.g. governing bodies, dioceses, and local authorities (LAs)), decision-makers (LAs, the [Schools Adjudicator](#) and governing bodies), and for those affected by a proposal (e.g. dioceses, trustees, parents etc.).

Proposers and decision-makers must have regard to this guidance when making proposals or decisions related to Schedule 2 of [EIA 2006](#) (as amended by [EA 2011](#)) and the [Establishment and Discontinuance Regulations](#).

Separate advice is available on making [prescribed alterations to maintained schools](#) and [significant changes to academies and academy closure by mutual agreement](#).

It is the responsibility of LAs, proposers and school governing bodies to ensure that they act in accordance with the relevant legislation and have regard to statutory guidance when seeking to make changes to or to open or close a maintained school and they are advised to seek independent legal advice where appropriate. Similarly when making decisions on such proposals, LAs and

Schools Adjudicator must act in accordance with the law and must have regard to statutory guidance.

Main points

- Where a LA identifies the need for a new school, specifically to meet increased basic need in their area, section 6A of EIA 2006 places them under a duty to seek proposals to establish an academy (free school) via the '[free school presumption](#)' process. The LA is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening revenue costs.
- The final decision on all new free school presumption proposals lies with the [Regional Schools Commissioner](#) (RSC) on behalf of the Secretary of State.
- In November 2018, the department launched a capital scheme for proposers to apply to the department for capital funding to support the creation of new voluntary aided (VA) schools under section 11 of the EIA 2006. More information can found [here](#).
- Proposers wishing to establish a new school may also wish to consider [opening a free school](#).
- It is possible for any person ('proposer'), in certain circumstances, to publish a proposal for a new maintained school outside of the competitions processes under section 11 of EIA 2006. It is also possible to apply to the Secretary of State for consent to publish proposals to establish a new maintained school under section 10 of EIA 2006.
- All decisions on proposals to open or close a maintained school must be made with regard to the factors outlined in this guidance and follow the relevant [statutory process](#).
- Both the consultation period and the representation period should be carried out in term time to allow the maximum numbers of people to see and respond to what is proposed.
- The decision-maker will need to be satisfied that the consultation and representation period were appropriate, fair and open, and that the proposer has given full consideration to all the responses.
- Proposers should be aware of the guidance for decision makers set out in part 5 of this guidance and ensure that their proposals address the considerations that the decision-maker must take into account. The decision-maker must consider the expressed views of all those affected

by a proposal or who have an interest in it, including cross-LA border interests. The decision-maker should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents¹ of children at the affected school(s).

- In determining proposals decision-makers must ensure that the guidance on [schools causing concern](#) (intervening in failing, underperforming and coasting schools) has been considered where necessary.
- Within one week of the date of their publication the documents below **MUST** be sent to the Secretary of State (via schoolorganisation.notifications@education.gov.uk):
 - a copy of the statutory proposal
 - a copy of the statutory notice
 - a copy of the decision record on the proposal.
- The School Organisation Team will make the necessary updates to the [Get Information About Schools](#) (GIAS) system

¹ A 'parent' should be considered to be anyone who has parental responsibility, including parents, carers and legal guardians.

2: Proposing a new school

This section sets out how to propose the establishment of a new school. Proposer groups may also wish to consider [establishing a free school](#).

Type of Proposal	Proposer	Decision-Maker	Right of appeal to the Adjudicator?
Free School Presumption	Other proposers (academy trusts/sponsors)	RSC (on behalf of the Secretary of State)	No
Section 7 (Stage 1) Any free school proposals will be considered first. If a proposal is received and considered suitable the competition ends and the the free school proposal is taken forward.	Other proposers	RSC (on behalf of the Secretary of State)	No
Section 7 (Stage 2) Where no suitable free school bid is received, proposals submitted for a new foundation, foundation special or voluntary school will be considered.	Other proposers	LA ² (Schools Adjudicator where the LA is involved in the Trust of a proposed foundation school)	No

² Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.

Type of Proposal	Proposer	Decision-Maker	Right of appeal to the Adjudicator?
Section 11	Other proposers	LA ³	<p>The Diocesan Board of Education of any CofE diocese in the relevant area.</p> <p>The bishop of any Roman Catholic church in the relevant area.</p> <p>Proposers (if the LA is the decision maker)</p>
Section 10	LA	Schools Adjudicator	No.
Section 10	All other proposers	LA (Schools Adjudicator where the LA is involved in the Trust of a foundation school)	<p>Where the LA is the decision maker⁴;</p> <p>Proposers</p> <p>The Diocesan Board of Education of any CofE diocese in the relevant area.</p> <p>The bishop of any Roman Catholic church in the relevant area.</p>

Related proposals

A proposal should be regarded as ‘related’ if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Proposers should ensure that this information is set out clearly within their proposal.

³ Where the LA does not make a decision within the prescribed two-month period, they must refer the proposal to the Schools Adjudicator.

⁴ Where the Schools Adjudicator is the decision-maker, there is no right of appeal.

The free school presumption

Where a LA identifies the need for a new school to meet basic need for additional school places, section 6A of EIA 2006 places the LA under a duty to seek proposals to establish an academy (free school) via the [‘free school presumption’](#).

The LA is responsible for providing the site for the new school and meeting all associated capital and pre-/post-opening revenue costs. All new free school presumption proposals require the RSC’s approval (on behalf of the Secretary of State) as it is the Secretary of State who will enter into a funding agreement with the academy trust/sponsor.

LAs planning a presumption project to establish a primary school should include nursery provision in the specification, unless there is a demonstrable reason not to do so.

In considering the need for a new school, the LA should take account of any proposals they are aware of that will meet that need. If a LA has received a proposal for a new LA maintained school, and subsequently identifies the need for a new school, then the LA can decide the maintained school proposal⁵ before deciding whether it is necessary to seek proposals via the free school presumption.

School competitions

If the free school presumption competition does not yield a suitable proposal, then a statutory competition can be held under section 7 of the EIA 2006. This will not require a separate application for the Secretary of State’s approval, because the Secretary of State will inform the LA that approval to hold a section 7 competition is given at the same time as informing the LA that no suitable free school proposal was identified.

Where a LA holds a section 7 competition, the LA must follow the statutory process set out in Schedule 2 to EIA 2006 and the [Establishment and Discontinuance Regulations](#).

The LA must publish a specification for the new school. The specification is only the minimum requirement and proposals may go beyond this. Proposers may submit proposals for a free school, foundation, foundation special or voluntary school into the competition. Where a free school proposal is received, the RSC

⁵ Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.

(on behalf of the Secretary of State) will consider any free school proposals first when making a decision on the case.

The LA is expected to provide premises and meet the capital costs of implementing the winning proposal and must include a statement to this effect in the notice inviting proposals. Proposers should set out the estimated premises requirements and/or capital costs of a proposal submitted in response to a competition and, where these exceed the initial cost estimate made by the LA, the proposer should set out the reasons for the additional requirements and/or costs.

Proposing a maintained school outside competitive arrangements

It is possible to publish proposals for a new maintained school outside of the competitive arrangements at any time. Sections 10 and 11 of the EIA 2006 permit proposals to establish new schools under certain conditions either with the Secretary of State's consent (section 10 cases) or without (section 11 cases).

In all cases, proposers must follow the required statutory process as set out in part 4 of this guidance.

Section 11 proposals

Any persons ('proposer'), e.g. a diocese or charitable trust, may publish a proposal, at any time, for a new school outside the free school presumption and competitions process under section 11 of the EIA 2006.

The Secretary of State's consent is not required in the case of proposals for:

- a new community or foundation primary school to replace a maintained infant and a maintained junior school;
- a new voluntary aided school (e.g. in order to meet demand for a specific type of place such as demand from those of a particular faith);
- a new foundation or voluntary controlled school resulting from the reorganisation of existing faith schools in an area, including an existing faith school losing or changing its religious designation;
- a new foundation or community school, where a section 7 competition has been held but did not identify a suitable provider;
- a former independent school wishing to join the maintained sector; and
- a new maintained nursery school.

The statutory process described in [part 4](#) must be followed to establish the new school.

In November 2018, the department launched a capital scheme to support the delivery of new voluntary aided schools. Further information about the scheme is available [here](#).

Section 10 proposals

It is also possible to apply to the Secretary of State for 'consent to publish' proposals to establish a new school under section 10 of EIA 2006:

- for a community or foundation school to replace an existing maintained school; or
- for a brand new foundation or voluntary controlled school.

Proposers wishing to apply for consent should email schoolorganisation.notifications@education.gov.uk and request an application form. Each request for consent will be considered on its merits and the particular circumstances of the case.

Proposers should wait to receive confirmation of consent before following the statutory process in [part 4](#) to establish the new school.

The Schools Adjudicator will decide LA proposals (as well as proposals where the LA are involved in the trust of a proposed foundation school or fails to determine the proposals within the specified time). The LA will decide proposals from other proposers⁶.

Factors to consider when proposing a new school

Proposers should consider the following factors when making proposals to establish a new school.

Demand vs Need

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. However, excessive surplus capacity should be managed appropriately. Proposers may wish to discuss their plans with their LA to understand levels of need for their proposed school.

Proposers should also demonstrate parental demand for the new school places and the type of provision being proposed, the quality and diversity of provision available in the local area, and the impact of the new places on existing educational provision in the local area.

⁶ Where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.

Proposed admission arrangements

Proposers should set out their intentions for the admission arrangements of the proposed school, including, where the proposal is for a voluntary or foundation school, whether the school will have a religious character and apply faith-based admissions criteria.

Proposers should ensure that they consider all expected admission applications when considering demand for the school, including those from outside the LA area in which the school is situated.

National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community⁷.

Integration and community cohesion

Schools have a key 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.

Proposer should have regard to the [Integrated Communities Action Plan](#) as well as any local integration and community cohesion strategies.

When making a proposal, the proposers should take account of the community to be served by the school and set out how:

- The school will be welcoming to pupils of all faiths and none; and show how the school will address the needs of all pupils and parents.
- How the school will provide a broad and balanced curriculum and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education.
- How the school will promote fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs or none.
- How the school will encourage pupils from different communities, faiths and backgrounds to work together, learn about each other's customs, beliefs and ideas and respect each other's views.

⁷ Under sections 90, 91, 92 and 93 of the Education Act 2002.

Travel and accessibility

Proposers should be satisfied that accessibility planning has been properly taken into account and that the proposal will not adversely impact disadvantaged groups.

LAs have a duty to promote the use of suitable travel and transport to school.

Proposals should include a statement that the proposals are not expected to increase journey times, increase transport costs or result in children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

Funding

Proposers must include a statement setting out 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 to the funding arrangements.

Proposers relying on the department as a source of capital funding should not assume that approval of the 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.

School premises and playing fields

Under the School Premises (England) Regulations 2012 all maintained 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.

Under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, where proposals for a new VA school provide for the provision of playing fields, the duty to implement that part of the proposal (i.e. to provide the playing field) rests with the LA.

For Foundation, Foundation Special, and Voluntary Controlled schools, the duty to implement any proposals falls to either the governing body, or LA, as the proposal respectively provides for them to do so (i.e. the proposal for the new school will specify who will be providing the playing fields, which they then have a duty to actually provide).

[Non-statutory guidelines](#) setting out suggested areas for pitches and games courts are in place. Where the proposals for a new foundation or voluntary school are approved, the LA must transfer any interest it has in the premises to either the trustees of the school or, where the school has no trustees, the school's foundation body to be held by that body for the relevant purposes. The LALAmust pay to relevant persons any reasonable costs incurred in connection with the transfer.

If any doubt or dispute arises as to the persons to whom that transfer it to be made, it must be made to such persons as the Schools Adjudicator thinks proper.

3: Proposing to close (discontinue) a maintained school

This section sets out information for LAs and governing bodies wishing to propose the closure of a maintained school.

Under Section 15 of the EIA 2006, a LA can propose the closure of ALL categories of maintained school. The statutory process is set out in [part 4](#). The governing body of a voluntary, foundation or foundation special school may also publish proposals to close its own school following the statutory process. Alternatively, it may give [at least two years' notice of its intention to close](#) the school to the Secretary of State and the LA.

The table below sets out a summary of the process for closing a maintained school⁸:

Proposer	Type of proposal	Decision-maker	Right of appeal to the Adjudicator? ⁹
LA	Following a statutory process to close a community, community special or maintained nursery school	LA	The Diocesan Board of Education of any CofE diocese in the relevant area. The bishop of any Roman Catholic church in the relevant area.

⁸ Proposers should be aware that in ALL cases where the LA does not make a decision within the prescribed two month period, they must refer the proposal to the Schools Adjudicator.

⁹ Where the Schools Adjudicator is the decision maker, there is no right of appeal.

Proposer	Type of proposal	Decision-maker	Right of appeal to the Adjudicator? ⁹
LA	Following a statutory process to close a foundation, foundation special or voluntary (VC or VA) school	LA	<p>The Diocesan Board of Education of any CofE diocese in the relevant area.</p> <p>The bishop of any Roman Catholic church in the relevant area.</p> <p>The governing body or any foundation of the foundation or voluntary school specified in the proposals.</p>
Governing Body	Following a statutory process to close a voluntary (VC or VA), foundation or foundation special school	LA	<p>The Diocesan Board of Education of any CofE diocese in the relevant area.</p> <p>The bishop of any Roman Catholic church in the relevant area.</p> <p>The governing body or any foundation of the foundation or voluntary school specified in the proposals.</p>

Reasons for closing a school

Reasons for closing a maintained school 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 [merged or amalgamated with another school](#);
- It has been judged inadequate by Ofsted and there is no sponsored academy solution;
- It is to [acquire, lose or change its religious character](#);
- It is no longer considered viable; or
- It is being replaced by a new school.

Schools causing concern

In determining proposals, decision-makers must ensure that the guidance on [schools causing concern](#) (intervening in failing or underperforming schools) has been considered where necessary.

Related proposals

Where proposals are related, this should be made clear in consultation and representation periods, in published notices, and proposals. All notices should be published together / or as one notice (e.g. where one school is to be enlarged because another is being closed, a single notice could be published) and specified as 'related'.

Related proposals must also be considered together and, where possible, decisions should be made at the same time.

The presumption against the closure of rural schools

Proposers should be aware that the Department expects all decision-makers to adopt a presumption against the closure of rural schools. This doesn't mean that a rural school will never close, but that the case for closure should be strong and clearly in the best interests of educational provision in the area.

The presumption doesn't apply where a rural infant and junior school on the same site are being closed to establish a new primary school.

Proposers should set out whether the school is referred to in the [Designation of Rural Primary Schools \(England\) Order](#) or, where it is a secondary school, whether the school is identified as rural on the [Get Information about Schools](#) database.

Proposers should provide evidence to show they have carefully considered:

- alternatives to closure including: federation with another local school; conversion to academy status and joining a multi-academy trust; the

scope for an extended school to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;

- transport implications i.e. the availability, and likely cost of transport to other schools and sustainability issues;
- the size of the school and whether it puts the children at an educational disadvantage e.g. in terms of breadth of curriculum or resources available;
- the overall and long term impact on the local community of the closure of the village school and of the loss of the building as a community facility; and
- wider school organisation and capacity of good schools in the area to accommodate displaced pupils.

The presumption against the closure of maintained nursery schools

Proposers should be aware that decision-makers are expected to adopt a presumption against the closure of maintained nursery schools. This does not mean that a maintained nursery school will never close, but that the case for closure should be strong.

Where a proposal is for the closure of a maintained nursery school, the proposer should set out:

- plans to develop alternative early years provision clearly demonstrating that it will be at least equal in quantity and quality to the provision provided by the nursery school with no loss of expertise and specialism; and
- replacement provision is more accessible and more convenient for local parents.

Amalgamations

There are two ways to amalgamate two (or more) existing maintained schools:

- The LA or governing body (depending on school category) can publish a proposal to close two, or more, schools and the LA, or a proposer other than the LA (e.g. diocese, faith or parent group, trust), can publish a proposal to open a new school, depending on category. Where this is a presumption school, this will be subject to publication of a section 6A notice (see [part 2](#)). This will result in a new school number being issued.

- The LA and / or governing body (depending on school category) can publish a proposal to close one school (or more) and enlarge / change the age range / transfer site (following the statutory process as / when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

Existing schools wishing to acquire, change or lose a religious character

It is not possible for an existing maintained school to change its religious character. Instead, the LA or governing body must publish a proposal to close the existing school and a proposer, normally a faith organisation, must issue a 'related' proposal to establish a new voluntary or foundation school with a religious character. This can be done by either gaining the Secretary of State's consent under section 10 or as a special case under section 11 of EIA 2006.

In **ALL** cases, before the religious designation flexibilities can be utilised, the proposer will need to [apply separately, to the Secretary of State, for the new school to be designated with a religious character](#). This would normally be done once the proposal for the new school has been approved.

Schools designated with a religious character that close will automatically have the designation revoked. This means that where two or more schools have amalgamated and the intention is that the successor school will have a religious designation, the new school will have to apply for that designation. Upon gaining a religious designation, a school cannot immediately change its admissions policy to include faith-based criteria. It will need to have consulted on, and determined, its admission arrangements in accordance with the [School Admissions Code](#).

Two years notice of closure – voluntary and foundation schools

In addition to the statutory process for closure in [part 4](#), the governing body of a voluntary or foundation school may, subject to specified provisions¹⁰, give the Secretary of State and the LA at least two years' notice of their intention to close the school.

The trustees of a foundation or voluntary school must give their governing body at least two years' notice if they intend to terminate the school's occupation of its

¹⁰ As outlined in section 30 of the SSFA 1998, and including those in the DBE Measure 1991.

site. The minimum two years' notice allows the LA and / or governing body time to make alternative arrangements for pupils.

Closure of a community or foundation special school in the interests of pupils

The Secretary of State may direct¹¹ a LA to close a community special or foundation special school if he considers it is in the interests of the health, safety or welfare of the pupils. Prior to making the direction, the Secretary of State must consult: the LA, any other LA who would be affected by the closure of the school; the person(s) who appoints the foundation governors (for a foundation special school with a foundation); and any other person(s) the Secretary of State considers appropriate.

The Secretary of State must give notice of the direction in writing to both the governing body and the head teacher of the school. The school must be closed on the date specified by the Secretary of State.

Temporary school closures

A proposal to close a school is not required where a school will temporarily cease to operate due to a rebuild. Where a school operating over multiple sites proposes to cease operations on one (or more) of its sites, the proposal will be for a [prescribed alteration](#), and not a school closure.

¹¹ Section 17 of EIA 2006

4: The statutory process

This section sets out the stages of the statutory process. The statutory process below must be followed for opening¹² and closing¹³ a maintained school.

Stage one: consultation

It is a statutory requirement to consult any parties the proposer thinks is appropriate before publishing proposals under section 10 or 11 for new schools and for section 15 proposals to close a maintained school.

The proposer may use the consultation to consider a range of options for the future of a school (e.g. amalgamation, federation or closure). However, the proposer must then publish specific proposals (see stage two of the statutory process below). It is these specific proposals setting out details of the new school or the school to be closed which can be commented on or objected to during the statutory representation period.

It is for the proposer to determine the nature and length of the consultation. It is best practice for consultations to be carried out in term time to allow the maximum number of people to respond. Proposers should have regard to the Cabinet Office guidance on [Consultation principles](#) when deciding how to carry out the consultation period.

In the case of the closure of rural primary schools and special schools, the Act sets out some particular groups who must be consulted. This is set out in Annex A.

Stage two: publication

A statutory proposal should be published within 12 months of the initial consultation period being completed. This is so that it can be informed by up-to-date feedback. A proposal **MUST** contain the information specified in either Schedule 1¹⁴ for establishing a new school or Schedule 2 for closing a school of the Establishment and Discontinuance Regulations. Annex B summarises the information required for closure proposals and Annex C summarises the information required for establishing a new school under the section 10 or 11 processes.

¹² Under sections 10 and 11 of EIA 2006

¹³ Under section 15 of EIA 2006

¹⁴ Of the School Organisation (Establishment and Discontinuance) (England) Regulations 2013.

The proposer must publish the full proposal on a website 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; and
- the address to which objections or comments should be submitted.

A brief notice containing the website address of the full proposal must be published in a local newspaper and may also be published in a conspicuous place on the school premises (where any exist), such as at all of the entrances to the school.

In all cases, within one week of the date of publication on the website, the proposer **MUST** send a copy of the proposal and the information set out above to:

- the Secretary of State
(schoolorganisation.notifications@education.gov.uk);
- Where the proposal is to close a special school, the parents of every registered pupil at the school;
- The Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
- any other body or person that the proposer thinks is appropriate (e.g. any relevant religious authority).
- Where the proposal is for a new school under section 10 or 11 of the EIA 2006 and the LA is not the proposer, the LA which it is proposed would maintain the school.
- Where the proposal is for the closure of a maintained school, the governing body or the LA responsible for maintaining the school (as appropriate)

Within one week of receiving a request for a copy of the proposal the proposer must send a copy to the person requesting it.

Stage three: representation

Except where a proposal is for the closure of a rural primary school or a special school, where there are prescribed consultees (see [Annex A](#)), proposers of a school closure should consult organisations, groups and individuals they feel to be appropriate during the representation period (the information at Annex A can be used for examples).

The representation period starts on the date of publication of the statutory proposal and **MUST** last for four weeks. During this period, any person or organisation can submit comments on the proposal to the LA, to be taken into account by the decision-maker. It is also good practice for LAs to forward representations to the proposer (subject to any issues of data protection or confidentiality) to ensure that they are aware of local opinion.

The decision-maker will need to be satisfied that the proposer has had regard for the statutory process and must consider **ALL** the views submitted during the representation period, including all support for, objections to, and comments on the proposal.

Stage four: decision

The LA will be the decision-maker on a school closure proposal, unless the closure proposal is 'related' to another proposal that is to be decided by the [Schools Adjudicator](#).

The Schools Adjudicator will decide proposals for new schools made by the LA (and cases where the LA is involved in the trust of a proposed foundation school). The LA will decide proposals for new schools from other proposers.

The Schools Adjudicator will also be the decision-maker in any case where the LA does not make a decision within a period of two months of the end of the representation period. Where this happens, the LA must, within a week of the end of that two-month period, refer the case to the Schools Adjudicator.

The decision-maker must have regard to the statutory decision makers guidance contained in this document.

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, after consulting the LA and/or proposer (as appropriate); or

- approve the proposal – with or without modification – subject to certain conditions¹⁵ (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When revoking a proposal prior to a decision being made, the proposer must send written notice to the LA and the [Schools Adjudicator](#) (where applicable). A notice must also be placed on the website where the original proposals were published.

Where the LA is the decision-maker, within one week of making a determination they **MUST** publish their decision and the reasons for that decision being made on their website. They **MUST** arrange for notification of the decision and reasons for it to be sent to:

- The Secretary of State (via schoolorganisation.notifications@education.gov.uk)
- the governing body/proposers (as appropriate);
- the Schools Adjudicator;
- The Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
- for a special school, the parents of every registered pupil at the school;
- any other body considered appropriate (e.g. other relevant religious authority); and
- the trustees of the school (where relevant e.g. site trustees).

Where the Schools Adjudicator is the decision-maker, where possible they should send notification of the decision and reasons for it, within one week of making a determination to the LA and the Secretary of State (via schoolorganisation.notifications@education.gov.uk) to ensure the appropriate records can be updated and to allow for any actions required as a consequence of the decision to be completed (e.g. an admissions preference exercise following approval to close a school).

Rights to refer LA decisions to the Schools Adjudicator

For rights to refer a decision taken by the LA on establishment proposals to the Schools Adjudicator, see table on page 6. For rights to refer a decision taken by the LA on closure proposals to the Schools Adjudicator, see table on page 15.

¹⁵ As specified in regulation 16 of the Establishment and Discontinuance Regulations

Within one week of receipt of a request for a referral, a LA decision-maker must send the proposal, representations received and the minutes and papers from the meeting at which it considered the proposals to the [Schools Adjudicator](#).

There is no right of appeal against determinations made by the Schools Adjudicator. Adjudicator decisions can be challenged only by judicial review in the courts.

Stage five: implementation

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, decision-makers should be confident the proposers have good justification (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

The proposer must implement a proposal in the form approved, including any modifications made by the decision-maker.

The school organisation team will make the necessary changes to the school(s) GIAS record(s).

For proposals to establish a new school, the proposer should contact the school organisation team (via schoolorganisation.notifications@education.gov.uk) one month before the proposed opening date to confirm that the new school will be opening on time. It is at this point that a GIAS record will be created and your school will be assigned a URN.

Modification post determination

If it becomes necessary, due either to a major change in circumstance or it being unreasonably difficult to implement a proposal as approved, the proposer can propose modifications (e.g. to amend the implementation date) to the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been approved.

The LA or the Schools Adjudicator (where the original proposals were decided by the Schools Adjudicator) will be the decision maker for any proposals for modifications post determination.

Revocation

If the proposer does not wish to implement an approved proposal because doing so would be unreasonably difficult or circumstances have changed (so that implementation would be inappropriate) the proposer must publish a revocation

proposal, in order to be relieved of the duty to implement. A revocation proposal must contain:

- a description of the original proposal as published;
- the date of the publication of the original proposal; and
- a statement as to why the duty to implement the original proposal should not apply.

The proposer must publish the revocation proposal on a website and a brief notice of the proposal in a local newspaper. Details of what must be included in this notice are the same as in the [publication section](#).

Within one week of publication, the proposer must send copies of the proposal to:

- The Secretary of State (via schoolorganisation.notifications@education.gov.uk)
- Any other body or person that the proposer think appropriate.

Proposers must send the revocation proposal to the LA within one week of the date of publication on the website. Where the original proposal was decided by the [Schools Adjudicator](#), the LA must refer the revocation proposal together with any comments or objections within two weeks of the end of the representation period to the Schools Adjudicator.

5: Guidance for decision-makers

This section sets out the considerations that should be made by the LA or Schools Adjudicator when deciding proposals to establish or discontinue (close) a school. The decision-maker must have regard to the statutory guidance contained in this document. Proposers will wish to ensure that their proposals contain the information that the decision-maker will need in order to decide the proposal taking account of this section of the guidance.

The LA will be the decision-maker on a school closure proposal, unless the closure proposal is 'related' to another proposal that is to be decided by the [Schools Adjudicator](#).

The Schools Adjudicator will be the decision-maker for LA proposals to establish a new school (and cases where the LA is involved in the trust of a proposed foundation school). The LA is the decision-maker for any proposals for a new school from other proposers.

The Schools Adjudicator will be the decision-maker in any case where the LA does not make a decision within a period of two months from the end of the representation period. Where this happens, the LA must, within a week of the end of that two month period, refer the case to the Schools Adjudicator.

In all cases, the decision-maker should be satisfied that the proposer has carried out the statutory process satisfactorily and should have due regard to all responses received during the representation period.

Issuing a decision

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, after consulting the LA and/or proposer (as appropriate);
or
- approve the proposal – with or without modification – subject to certain conditions¹⁶ (such as the granting of planning permission) being met.

Such decisions **must** be taken within two months of the end of the representation period, it is **not** possible for a LA to defer the decision beyond the two-month period.

¹⁶ As specified in regulation 16 of the Establishment and Discontinuance Regulations

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so the proposer must send written notice to the LA and the [Schools Adjudicator](#) (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published. It is good practice to notify any other interested parties that the proposal has been withdrawn.

Where the LA is the decision-maker, within one week of making a determination they **must** publish their decision and the reasons for such a decision being made on their website. They **must** arrange for notification of the decision and reasons for it to be sent to:

- The Secretary of State (via schoolorganisation.notifications@education.gov.uk)
- the governing body/proposers (as appropriate);
- the Schools Adjudicator;
- The Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
- for a special school, the parents of every registered pupil at the school;
- any other body considered appropriate (e.g. other relevant religious authority); and
- The trustees of the school (where relevant e.g. site trustees).
- Where the Schools Adjudicator is the decision-maker, where possible they should send notification of the decision and reasons for it, within one week of making a determination to the LA and the Secretary of State (via schoolorganisation.notifications@education.gov.uk) to ensure the appropriate records can be updated and to allow for any actions required as a consequence of the decision to be completed (e.g. an admissions preference exercise following approval to close a school).

Factors to consider when determining proposals

Demand and need

When considering proposals to establish new provision, the decision-maker should be satisfied that the proposer has demonstrated demand for the provision being proposed. This should include:

- the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools), in relation to the number of places to be provided.
- 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.
- the popularity of other schools in the area and evidence of parental demand for a new school. Whilst the existence of surplus capacity in neighbouring schools should not in itself prevent the creation of new places, they should consider the impact of the new places on existing good educational provision in the local area.

When determining proposals to discontinue (close) provision, the decision-maker should be satisfied that there are sufficient surplus places elsewhere in the local area to accommodate displaced pupils, and the likely supply and future demand for places in the medium and long term.

The decision-maker should take into account the overall quality of alternative places in the local area, balanced with the need to reduce excessive surplus capacity in the system. The decision-maker should have regard for the local context in which the proposals are being made, taking into account the nature of the area, the age of the children involved and, where applicable, alternative options considered for reducing excess surplus capacity.

Suitability

When considering any proposal for a new maintained school, the decision-maker should consider the proposal on its merits and take into account all matters relevant to the proposal. Any proposal put forward by organisations which advocate violence or other illegal activity must be rejected. In order to be approved, a proposal should demonstrate that, as part of a broad and balanced curriculum, the proposed new school would promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, as set out in the department's guidance on [Promoting fundamental British values through SMSC](#).

Proposed admission arrangements

Before approving a proposal the decision-maker should confirm that the admission arrangements of the school are compliant with the [School Admissions Code](#). Although the decision-maker cannot modify proposed admission

arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community¹⁷.

School size

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.

Equal opportunity issues

The decision-maker must have regard to the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations between people with a protected characteristic and those without that characteristic.

The decision-maker must consider the impact of the proposals on the relevant protected characteristics and any issues that may arise from the proposals (e.g. where there is a proposal to establish new single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand). Decision-makers should be satisfied that the proposer has shown a commitment to providing access to a range of opportunities which reflect the ethnic and cultural mix of the area, whilst ensuring that such opportunities are open to all.

Integration and community cohesion

The decision-maker should consider the impact of any proposal on local integration and community cohesion objectives and have regard to the [Integrated Communities Action Plan](#).

¹⁷ Under sections 90, 91, 92 and 93 of the Education Act 2002.

When considering, publishing or deciding a proposal, the proposer and the decision-maker should take account of the community to be served by the school and the views of different sections within the community. They should also consider:

- Whether the school will be welcoming to pupils of any faith and none; and how the school will address the needs of all pupils and parents.
- Whether the curriculum will be broad and balanced and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education.
- Whether the school will promote fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs and none.
- Whether the school will encourage pupils from different communities, faiths and backgrounds to work together, learn about each other's customs, beliefs and ideas and respect each other's views.

Travel and accessibility

The decision-maker should satisfy themselves that the proposers have been taken into account accessibility planning and that the proposal will not adversely impact on disadvantaged groups.

Decision-makers should consider whether the proposal will 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. The decision-maker will need to consider the local context, for example in areas with excessive surplus places, the decision-maker should consider whether the travel implications of the proposal are reasonable compared to those for alternative options.

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.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

Funding

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 to the funding arrangements.

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.

Where a proposer is proposing a new voluntary aided school under section 11 and has applied for capital funding from the department, the decision-maker may, if satisfied that the department has given written 'in principle' agreement to provide capital funding, approve the proposals on the condition that the proposer enter into an arrangement with the Department for Education for any necessary building work.

Schools causing concern

In determining proposals, decision-makers must ensure that the guidance on [schools causing concern](#) (intervening in failing or underperforming schools) has been considered where necessary.

Rural schools and the presumption against closure

Decision-makers should adopt a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and a proposal must be clearly in the best interests of educational provision in the area. When producing a proposal to close a rural primary school, the proposer must consider:

- the likely effect of the closure of the school on the local community;
- the proportion of pupils attending the school from within the local community i.e. is the school being used by the local community;
- educational standards at the school and the likely effect on standards at neighbouring schools;
- the availability, and likely cost to the LA, of transport to other schools;
- whether the school is now surplus to requirements (e.g. because 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 or long term);
- any increase in the use of motor vehicles which is likely to result from the closure of the school, and the likely effects of any such increase; and
- any alternatives to the closure of the school.

‘Rural primary school’, in this context, means any school referred to in the [Designation of Rural Primary Schools \(England\) Order](#). Proposers should also consider the above factors when proposing the closure of a rural secondary school. Rural secondary schools are identified on the Get Information about Schools database using the Office for National Statistics’ [Rural and Urban Area Classification](#). Decision-makers should consider this indicator when deciding a proposal for the closure of a rural secondary school. Where a school is not recorded as rural on GIAS, the decision-maker can consider evidence provided by interested parties that a particular school should be regarded as rural. The presumption against the closure of rural schools does not apply in cases where a rural infant and junior school on the same site are being closed to establish a new primary school.

Maintained nursery schools and the presumption against closure

Decision-makers should adopt a presumption against the closure of maintained nursery schools. This does not mean that a nursery school will never close, but the case for closure should be strong and the proposal should demonstrate that:

- plans to develop alternative early years provision clearly demonstrate that it will be at least equal in quality and quantity to the provision provided by the nursery school with no loss of expertise and specialism; and
- replacement provision is more accessible and more convenient for local parents.

In considering a proposal to close a school which currently includes early years provision, the decision-maker should consider whether the alternative early years provision will integrate pre-school education with childcare services and/or with other services for young children and their families.

Balance of denominational provision

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, as well as taking account of the number of pupils currently on roll, the medium and long term need for places in the area, and whether standards at the school have been persistently low.

In relation to the balance of denominational provision, if an infant and a junior school of a particular religious character in an area are to close and be replaced with a new all-through school, then there should normally be a preference for

that new school to be of the same religious character as the predecessor schools.

Where one school has a religious character and the other does not, or has a different religious character, both proposers and decisions-makers should consider what would best meet the needs of the local community. Decision-makers should consider what impact the proposal will have on the balance of denomination provision in the area, the quality of the provision available (particularly when proposing a merger) and parental demand in the area for the different types of provision.

Community services

Some schools may be a focal point for family and community activity, providing extended services for a range of users, and their closure may have wider social consequences. Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means.

Determining revocation proposals

When a proposer or LA does not wish to implement an approved proposal because doing so would be unreasonably difficult or circumstances have changed (so that implementation would be inappropriate), the proposer must publish a revocation proposal, to be relieve themselves and/or the LA of any duty to implement.

The LA will be the decision-maker for revocation proposals with the exception of cases where the original proposal was determined by the [Schools Adjudicator](#). In such cases, the LA must refer the revocation proposal together with any comments or objections within two weeks of the end of the representation period to the Schools Adjudicator. Where the LA made the initial determination of the original proposals and the proposals were later referred to the adjudicator, the LA should determine any revocations proposals made.

The decision-maker should be satisfied that the proposer has carried out the statutory process appropriately (as set out in part 4 of this guidance) and should have regard for any responses received during the representation period.

LAs must determine a revocation proposal within two months of the end of the representation period. Where the LA has not determined the proposal by the end of the two-month period, the decision-maker must refer the decision to the Schools Adjudicator. The decision-maker should make such persons aware of the decision as they consider appropriate. This should include:

- the Secretary of State (via schoolorganisation.notifications@education.gov.uk)
- the governing body/proposers (as appropriate);
- the Schools Adjudicator or LA (as appropriate);
- the Diocesan Board of Education of any Church of England diocese in the relevant area;
- the bishop of any diocese of the Roman Catholic Church any part of which is comprised in the area of the relevant authority; and
- for a special school, the parents of every registered pupil at the school;
- any other body considered appropriate (e.g. other relevant faith organisation); and
- the trustees of the school (where relevant e.g. site trustees).

Determining requests to modify approved proposals

Proposers may request modifications to approved proposals or ask the body which approved the proposals to specify a later date in respect of conditional approval¹⁸. Where the Schools Adjudicator determined the original proposals, the LA must refer the case to the Schools Adjudicator within two weeks of receipt of the request from the proposers.

The decision-maker should be satisfied that the proposal does not modify the existing proposals to the extent that new proposals are substituted for those that were originally published.

Where approved proposals are modified, the LA or the Schools Adjudicator (as the case may be) must notify the Secretary of State (via schoolorganisation.notifications@education.gov.uk) within one week of the date of the proposals being modified.

Where the bodies listed below are unsatisfied with the outcome of a decision taken on a revocation, they may appeal to the Schools Adjudicator within four weeks of the publication of the decision. The Schools Adjudicator will take a fresh decision on the proposals.

- the Diocesan Board of Education for any diocese in the Church of England that is comprised in the area of the relevant authority;
- the bishop of any Roman Catholic Church in the area of the relevant authority;
- the proposers;

¹⁸ Under paragraph 21(2)(a) of Schedule 2 to the Act

- the governing body or trustees of any foundation or voluntary school which is the subject of the proposals (where relevant).

Within one week of receiving the appeal the LA must send to the adjudicator:

- any objections or comments in relation to the proposals;
- minutes of the meeting at which the revocation proposals were considered; and
- any papers considered by the LA at that meeting.

Annex A: School closure consultations

In the case of the proposed closure of a rural primary school or a community or foundation special school, prior to publishing a statutory notice and proposal, proposers **must**, under section 16(1) of EIA 2006 consult:

- The LA (as appropriate);
- The parents of registered pupils at the school;
- where the LA is a county council the local district or parish council where the school that is the subject to the proposal is situated; and
- in the case of a special school – any LA which maintains an EHC plan or statement of special educational needs in respect of a registered pupil at the school.

The Secretary of State considers that these bodies, along with those listed below should be consulted in the case of the proposed closure of all schools:

- the governing body (as appropriate);
- pupils at the school¹⁹;
- (if a proposal involves, or is likely to affect a school which has a particular religious character) the appropriate diocese or relevant faith group²⁰;
- the trustees of the school (if any);
- teachers and other staff at the school;
- any LA likely to be affected by the proposal, in particular neighbouring authorities where there may be significant cross-border movement of pupils;
- the governing bodies, teachers and other staff of any other school that may be affected;
- parents of any pupils at other schools who may be affected by the proposal including where appropriate families of pupils at feeder primary schools;
- any trade unions who represent staff at the school; and representatives of any trade union of staff at other schools who may be affected by the proposal;

¹⁹ Under section 176 of the Education Act 2002.

²⁰ Under the DBE Measure 1991 Church of England schools must consult with their diocese before making closure proposals.

- MPs whose constituencies include the school that is the subject of the proposal or whose constituents are likely to be affected by the proposal; and
- any other interested organisation / person that the proposer thinks are appropriate.

Annex B: Statutory proposals for school closures

As set out in Schedule 2 to the Establishment and Discontinuance Regulations the information below **must** be included in a proposal to close a school:

Contact details

The name and contact address of the LA or governing body publishing the proposals and the name, address and category of the school it is proposed that should be discontinued.

Implementation

The date on which it is proposed to close the school or, where it is proposed that the closure be implemented in stages, the dates of and information about each stage.

Reason for closure

A statement explaining the reason why closure of the school is considered necessary.

Pupil numbers and admissions

The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is currently made at the school.

Displaced pupils

A statement and supporting evidence about the need for school places in the area including whether there is sufficient capacity to accommodate displaced pupils.

Details of the schools or further education colleges at which pupils at the school to be discontinued will be offered places, including—

- a) any interim arrangements;
- b) the provision that is to be made for those pupils who receive educational provision recognised by the LA as reserved for children with special educational needs; and
- c) in the case of special schools, the alternative provision made by any LA other than the LA which maintain the school.

Details of any other measures proposed to be taken to increase the number of school or further education college places available if necessary, in consequence of the proposed discontinuance.

Impact on the community

A statement and supporting evidence about the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact.

Rural primary schools

Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15, a statement that the LA or the governing body (as the case may be) considered section 15(4).

Balance of denominational provision

Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

Maintained nursery schools

Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out—

- a) the LA's assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- b) the accessibility and convenience of replacement provision for local parents.

Sixth form provision

Where the school proposed to be discontinued provides sixth form education, the effect for 16 to 19 year olds in the area that the closure will have in respect of—

- a) their educational or training achievements;
- b) their participation in education or training; and the range of educational or training opportunities available to them.

Special educational needs provision

Where existing provision that is recognised by the LA as reserved for pupils with special educational needs is being discontinued, a statement as to how the LA or the governing body (as the case may be) believes the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

Travel

Details of length and journeys to alternative provision.

The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will mitigate against increased car use.

Annex C: Statutory proposals for establishing a new school

As set out in the Establishment and Discontinuance Regulations the information below must be included in section 10 and 11 proposals to establish a new school:

Contact details

The name and contact address of the LA or the proposers (as the case may be).

Implementation

The date on which it is proposed that the school be opened or, where it is proposed that the opening be implemented in stages, the dates of and information about each stage.

Where the proposals are to establish a voluntary, foundation or foundation special school, a statement as to whether the proposals are to be implemented by the LA or by the proposers, and if the proposals are to be implemented by both,

- (a) a statement as to the extent that they are to be implemented by each body, and
- (b) a statement as to the extent to which the capital costs of implementation are to be met by each body.

Reason for the new school

A statement explaining the reason why the new school is considered necessary and whether it is to replace an existing school or schools.

Category

Whether the school will be a foundation or foundation special school (and, if so, whether it is to have a foundation), a voluntary school (and whether it will be voluntary controlled or voluntary aided), a community or community special school, or a LA maintained nursery school and, if required by section 10, a statement that the Secretary of State's consent has been obtained to publish the proposals.

Ethos and religious character

A short statement setting out the proposed ethos of the school, including details of any educational philosophy, which it is proposed that the school will adhere to.

If it is proposed that the school is to have a religious character, confirmation of the religion or religious denomination in accordance with whose tenets religious education will, or may be required to be provided at the school; and a statement that the proposers intend to ask the Secretary of State to designate the school as a school with such a religious character.

Where it is proposed that the school—

- (a) has a religious character, evidence of the demand in the area for education in accordance with the tenets of the religion; or
- (b) adheres to a particular philosophy, evidence of the demand for education in accordance with that philosophy that is not already met in other maintained schools or academies in the area.

Pupil numbers and admissions

The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is to be made at the school.

Admission arrangements

Except in relation to proposals for special schools, the proposed admission arrangements and over-subscription criteria for the new school including, where the school is proposed to be a foundation or voluntary school which is to have a religious character—

- (a) the extent to which priority for places is proposed to be given to children of the school's religion or religious denomination; and
- (b) the extent, if any, to which priority is to be given to children of other religions or religious denominations or to children having no religion or religious denomination.

Early years provision

Where the proposals are to include provision for pupils aged two to five—

- (a) details of how the early years provision will be organised, including the number of full-time and part-time pupils, the number of places, the number and length of sessions in each week, and the services for disabled children that will be offered;
- (b) how the school will integrate the early years provision with childcare services, and how the proposals for the establishment of the school are consistent with the integration of early years provision with childcare;

- (c) evidence of parental demand for additional early years provision;
 - (d) assessment of capacity, quality and sustainability of provision in schools, and in settings outside of the maintained school sector which deliver the Early Years Foundation Stage within three miles of the school; and
 - (e) the reasons why schools and settings outside the maintained school sector which deliver the Early Years Foundation Stage within three miles of the school and which have spare capacity, cannot make provision for any forecast increase in the numbers of such children.
- Sixth form provision

Where it is proposed that the school will provide sixth form education, for 16 to 19 year olds in the area, how the proposals will —

- (a) improve the educational or training achievements;
- (b) increase participation in education or training; and
- (c) expand the range of educational or training opportunities available to them.

Where the addition of sixth-form provision is being proposed, a change of age-range will be required, and proposers should refer to the prescribed alterations guidance.

Special educational needs provision

Whether the school will have provision that is recognised by the LA as reserved for children with special educational needs and, if so, the nature of such provision.

Details of the proposed policy of the school relating to the education of pupils with special educational needs.

Where the school will replace existing educational provision for children with special educational needs—

- (a) a statement on how the proposer believes the proposal is likely to lead to improvements in the standard, quality and range of educational provision for these children;
- (b) details of the improvements that the proposals will bring in respect of—
 - (i) access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the LA's Accessibility Strategy;

- (ii) access to specialist staff, both education and other professionals, including any external support or outreach services;
- (iii) access to suitable accommodation; and
- (iv) supply of suitable places.

Single sex school

Where the school is to admit pupils of a single sex—

- (a) evidence of local demand for single sex education and how this will be met if the proposals are approved; and
- (b) a statement giving details of the likely effect the new school will have on the balance of provision of single sex education in the area.

Curriculum

Confirmation that the school will meet the general requirements in relation to the curriculum contained in section 78 of EA 2002 and an outline of any provision that will be in addition to the basic curriculum required by section 80 of EA 2002, in particular any 14-19 vocational education.

Relevant experience of proposers

Evidence of any relevant experience in education held by the proposers including details of any involvement in the improvement of standards in education.

Effects on standards and contributions to school improvement

Information and supporting evidence on—

- (a) how the school will contribute to enhancing the diversity and quality of education in the area; and (b) how the school will contribute to school improvement.

Location and costs

A statement about -

- (a) the area or the particular community or communities which the new school is expected to serve;
- (b) the location of the site or sites including, where appropriate, the postal address or addresses;

- (c) the current ownership and tenure (freehold or leasehold) on which the site will be held, and if the site is to be held on a lease, details of the proposed lease;
- (d) whether the site is currently used for the purposes of another school and if so, why the site will no longer be required by the other school;
- (e) the estimated capital costs of providing the site and how those costs will be met (including the extent to which the costs are to be met by the proposers and the LA) and how the proposers intend to fund their share of the costs of implementing the proposals (if any);
- (f) whether planning permission is needed under the Town and Country Planning Act 1990, and when it is anticipated that it will be obtained;
- (g) confirmation from the Secretary of State or LA (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

Travel

The proposed arrangements for travel of pupils to the school.

Federation

Details of any proposals for the school to be established as a federated school.

Voluntary aided schools

Where the school is to be a voluntary aided school—

- (a) details of the trusts on which the site is to be held; and
- (b) confirmation that the governing body will be able and willing to carry out their obligations under Schedule 3 to SSFA 1998.

Foundation schools

Where the school is to be a foundation or foundation special school, confirmation as to—

- (a) whether it will have a foundation and if so, the name or proposed name of the foundation;
- (b) the rationale for the foundation and the particular ethos that it will bring to the school;
- (c) the details of membership of the foundation, including the names of the members;

- (d) the proposed constitution of the governing body; and
- (e) details of the foundation's charitable objects.

Annex D: Further Information

This guidance primarily relates to:

- [The Education and Inspections Act 2006](#), as amended by the [Education Act 2011](#)
- [The School Standards and Framework Act 1998](#), as amended by the [Education Act 2002](#)
- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#)
- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
- [The free school presumption – Departmental advice for local authorities and new school proposers \(May 2018\)](#)
- [Presumption against the closure of primary schools](#)
- [Rural and Urban Area Classification](#)
- [The Religious Character of Schools \(Designation Procedure\) Regulations 1998](#)
- [How to apply for religious designation](#)
- [Schools Adjudicator](#)
- [School Admissions Code](#)

It also relates to:

- [School Governance \(Constitution\) \(England\) Regulations 2012](#)
- [School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)
- [Governors handbook](#).
- [School Premises \(England\) Regulations 2012](#)
- [The School Companies Regulations 2002](#) as amended by the [2003 Regulations](#) and the [2014 Regulations](#)
- [Change your charity's governing document](#)
- [Academies Act 2010](#)
- [Making significant changes to an existing academy and Closure by Mutual Agreement \(2018\)](#);
- [Regional Schools Commissioner](#)
- [Consultation principles](#)

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Appendix 5 – Public Report – Ward Councillors consulted

Hunters Hill College

Proposal to close the school

Councillor Name	Date (sent)	Method of Consultation	Comments
Alex Yip	13/11/2020	E-mail	<p>Councillor Yip responded via BeHeard, which is included in the statutory consultation results (appendix 3).</p> <p>An email enquiry was received by Councillor Francis from Councillor Alex Yip 19th November 2020.</p> <p>Councillor Francis responded to this email on 23rd November 2020.</p> <p>As this was an enquiry to Councillor Francis it was not included in the statutory consultation results in appendix 3.</p>
Adam Higgs	13/11/2020	E-mail	No comments
Adrian Delaney	13/11/2020	E-mail	No comments
Alex Yip	13/11/2020	E-mail	No comments
Bob Beauchamp	13/11/2020	E-mail	No comments
Bruce Lines	13/11/2020	E-mail	No comments
Charlotte Hodivala	13/11/2020	E-mail	No comments
David Barrie	13/11/2020	E-mail	No comments
David Pears	13/11/2020	E-mail	No comments
Debbie Clancy	13/11/2020	E-mail	No comments
Deirdre Alden	13/11/2020	E-mail	No comments
Eddie Freeman	13/11/2020	E-mail	No comments
Ewan Mackey	13/11/2020	E-mail	No comments
Gareth Moore	13/11/2020	E-mail	No comments
Gary Sambrook	13/11/2020	E-mail	No comments
John Lines	13/11/2020	E-mail	No comments
Ken Wood	13/11/2020	E-mail	No comments
Matt S Bennett	13/11/2020	E-mail	No comments
Maureen Cornish	13/11/2020	E-mail	No comments
Meirion Jenkins	13/11/2020	E-mail	No comments
Peter Fowler	13/11/2020	E-mail	No comments
Robert Alden	13/11/2020	E-mail	No comments
Ron Storer	13/11/2020	E-mail	No comments
Simon Morrall	13/11/2020	E-mail	No comments
Suzanne Webb	13/11/2020	E-mail	No comments
Timothy Huxtable	13/11/2020	E-mail	No comments
Akhlaq Ahmed	13/11/2020	E-mail	No comments
Albert Bore	13/11/2020	E-mail	No comments
Alex Aikten	13/11/2020	E-mail	No comments
Barbara Dring	13/11/2020	E-mail	No comments
Brett O'Reilly	13/11/2020	E-mail	No comments

Bridget Jones	13/11/2020	E-mail	No comments
Carl Rice	13/11/2020	E-mail	No comments
Chaman Lal	13/11/2020	E-mail	No comments
Choudhry Rashid	13/11/2020	E-mail	No comments
Diane Donaldson	13/11/2020	E-mail	No comments
Fred Grindrod	13/11/2020	E-mail	No comments
Gurdial Singh Atwal	13/11/2020	E-mail	No comments
Hendrina Quinnin	13/11/2020	E-mail	No comments
Ian Ward	13/11/2020	E-mail	No comments
John Cotton	13/11/2020	E-mail	No comments
John O'Shea	13/11/2020	E-mail	No comments
Josh Jones	13/11/2020	E-mail	No comments
Julie Johnson	13/11/2020	E-mail	No comments
Karen McCarthy	13/11/2020	E-mail	No comments
Kat Hartley	13/11/2020	E-mail	No comments
Kath Scott	13/11/2020	E-mail	No comments
Kerry Jenkins	13/11/2020	E-mail	No comments
Lisa Trickett	13/11/2020	E-mail	No comments
Liz Clements	13/11/2020	E-mail	No comments
Lou Robson	13/11/2020	E-mail	No comments
Lucy Seymour-Smith	13/11/2020	E-mail	No comments
Mahmood Hussain	13/11/2020	E-mail	No comments
Majid Mahmood	13/11/2020	E-mail	No comments
Mariam Khan	13/11/2020	E-mail	No comments
Marje Bridle	13/11/2020	E-mail	No comments
Martin Straker Wells	13/11/2020	E-mail	No comments
Mary Locke	13/11/2020	E-mail	No comments
Mick Brown	13/11/2020	E-mail	No comments
Mike Leddy	13/11/2020	E-mail	No comments
Mike Sharpe	13/11/2020	E-mail	No comments
Mohammed Aikhlaq	13/11/2020	E-mail	No comments
Mohammed Azim	13/11/2020	E-mail	No comments
Mohammed Fazal	13/11/2020	E-mail	No comments
Mohammed Idrees	13/11/2020	E-mail	No comments
Mohammed Afzal	13/11/2020	E-mail	No comments
Nagina Kauser	13/11/2020	E-mail	No comments
Narinder Kaur Kooner	13/11/2020	E-mail	No comments
Nicky Brennan	13/11/2020	E-mail	No comments
Olly Armstrong	13/11/2020	E-mail	No comments
Paulette Hamilton	13/11/2020	E-mail	No comments
Penny Holbrook	13/11/2020	E-mail	No comments
Peter Griffin	13/11/2020	E-mail	No comments
Phil Davis	13/11/2020	E-mail	No comments
Rob Pocock	13/11/2020	E-mail	No comments
Saddak Miah	13/11/2020	E-mail	No comments
Safia Akhtar	13/11/2020	E-mail	No comments

Shabrana Hussain	13/11/2020	E-mail	No comments
Shafique Shah	13/11/2020	E-mail	No comments
Sharon Thompson	13/11/2020	E-mail	No comments
Sybil Spence	13/11/2020	E-mail	No comments
Tahir Ali	13/11/2020	E-mail	No comments
Tristan Chatfield	13/11/2020	E-mail	No comments
Waseem Zaffar	13/11/2020	E-mail	No comments
Yvonne Mosquito	13/11/2020	E-mail	No comments
Zafar A Iqbal	13/11/2020	E-mail	No comments
Zaheer A Khan	13/11/2020	E-mail	No comments
Zhor Malik	13/11/2020	E-mail	No comments
Ziaul Islam	13/11/2020	E-mail	No comments
Baba Baz	13/11/2020	E-mail	No comments
John Hunt	13/11/2020	E-mail	No comments
Mike Ward	13/11/2020	E-mail	No comments
Morriam Jan	13/11/2020	E-mail	No comments
Neil Eustace	13/11/2020	E-mail	No comments
Paul Tilsley	13/11/2020	E-mail	No comments
Roger Harmer	13/11/2020	E-mail	No comments
Zaker Choudhry	13/11/2020	E-mail	No comments
Julien Pritchard	13/11/2020	E-mail	No comments
Other Local Authority			
Janet King (Lickey Hills)	13/11/2020	Public notice	Councillor from Bromsgrove area responded via BeHeard, which is included in the statutory consultation results (appendix 3).

Appendix 6

Displacement of pupils at Hunters Hill College

Birmingham City Council as the Local Authority has a statutory duty to ensure that all pupils living in the city have access to a school place. Should the proposal to close the school be approved, all pupils will need to be provided a place at another school. We will ensure that the school place is:

- available when required for each displaced pupil (September 2021 if not sooner)
- appropriate to the pupils' needs as defined in their EHCP
- provides an improved quality of education
- is nearer to the pupils' homes wherever possible and appropriate

Discussions have been ongoing with other providers to look at opportunities for additional places or expansion, if required. Whilst the specificities of these options cannot be shared at this stage, in lieu of a decision, we are confident that all required places will be provided.

In the meantime, Annual Reviews and updates to EHCPs are being undertaken for all pupils on roll including meetings with parents/carers to discuss their child's circumstances. This is to ensure data is current, which will support an efficient response, should the displacement occur. Referrals to and engagement with relevant services continue to be made by the school and Local Authority officers in order to support pupils and their families e.g. Education Legal Intervention team, Children Missing Education, Exclusions, Children's Advice & Support Service, Family Support as well as Social Care teams.

Hunters Hill Pupils 2020/21	Y7	Y8	Y9	Y10	Y11	Total Y7-11	Total Y8-10 ²
Birmingham resident pupils	0	8	19	21	23	71	48
Other LA resident pupils ¹	0	1	0	7	4	12	8
Total	0	9	19	28	27	83	56
Change of Placements agreed (pending start date) ³	-	1	0	0	1	2	1
Change of Placements under review	-	0	2	7	4	13	9
Remaining Birmingham pupils on roll to be displaced if proposal approved	-	7	17	14	18	56	38
Remaining Other LA pupils on roll to be displaced if proposal approved	-	1	0	7	4	12	8

Update as at 23.12.2020

¹ 12 pupils reside outside of Birmingham across Bromsgrove, Redditch, Sandwell, Solihull, Wolverhampton and Worcestershire Local Authority areas.

² The Year 8-10 totals column shows the number of pupils in these year groups who would require priority placement should closure be approved; given that Year 11 pupils could leave as part of normal transition at the end of July 2021. This reduces the requirement for placements but does not stop families expressing a Change of Placement request throughout 2020/21.

³ Placements have been confirmed and accepted at the following schools:

- Lindsworth School: community special school in Birmingham
- Riverside Education: alternative provision independent school in Birmingham

Appendix 6

- VASE (Values and Attitudes Special Education Academy): independent school in Birmingham

Should the decision to close Hunter Hill College be made, SENAR will undertake 1 to 1 meetings with pupils and their families as early as possible in spring term 2021 to discuss the pupil's EHCP and options for an alternative placement. SENDIASS representatives will also be in attendance, as required, to provide advocacy for the family. Post-16 pathways for the pupil will form part of these discussions. For those pupils who do not reside in Birmingham, the home Local Authority will be informed of the decision to close.

Once a placement has been agreed with the pupil, their family and the provider, the EHCP will be updated and an agreed start date confirmed. The pupil cannot be removed from the roll of Hunters Hill until that pupil is known to be in attendance at their "receiving" school. "Pupil tracking" is therefore paramount and will be undertaken by colleagues within SENAR or Education Infrastructure.

Options for displacement need to be appropriate to the needs of the individual and this forms the core of all discussions.

The following provisions are under consideration:

- Other special schools within Birmingham -
 - Skilts School: community special school for boys which has proposed to temporarily increase its age range to include Y7-9 (pending decision 18th January 2021) as part of the relocation to a new purpose-built school within Birmingham
 - Lindsworth School: community special school in Birmingham
 - Queensbury School: academy special school in Birmingham. This would need the agreement of the Multi-Academy Trust.
- Other independent or alternative provision schools within Birmingham.



USEFUL LINKS: [Public Sector Equality Duty guidance](#)

[Equality Act 2010](#)

[Equality Objectives](#)

[Race Disparity Audit](#)

[Be heard consultation hub](#)

Assessments

Title of proposed EIA

Reference No

EA is in support of

Review Frequency

Date of first review

Directorate

Division

Service Area

Responsible Officer(s)

Quality Control Officer(s)

Accountable Officer(s)

Purpose of proposal

Data sources

Please include any other sources of data

Hunters Hill College

EQUA507

Amended Policy

No preference

04/11/2020

Education and Skills

Education and Early Years

Education Infrastructure

☐ Morvia Innis

☐ Nigel Harvey-Whitten

☐ Lisa Fraser

To propose and implement changes to remedy issues at Hunters Hill College

Interviews; relevant reports/strategies; relevant research; Other (please specify)

Pupil data December 2020 (see attachment). Financial information. Buildings review. HR staff information will be used if the proposal is approved for implementation. The pre-publication part of the statutory consultation ran for 17 weeks from 22nd June to 16th October. The decision is to move into the formal consultation (representation stage). Views at the representation stage will be forwarded to the decision makers, who for this proposal is the Full Cabinet of Birmingham City Council.

ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS

Protected characteristic: Age

Age details:

Service Users / Stakeholders

Hunters Hill College admit pupils aged 11-16.

The closure of the school would mean all pupils currently on roll will be displaced. Displaced pupils would be offered an appropriate provision that meets the individual needs of each child as described in their Education Health and Care Plan (EHCP).

Protected characteristic: Disability

Disability details:

Service Users / Stakeholders

Hunters Hill College can offer up to 135 places for pupils with an Education, Health and Care Plan (EHCP) for Social, Emotional and Mental Health needs, (SEMH).

The proposals within this project affects all pupils.

Hunters Hill College can offer up to 135 places for pupils with an Education, Health and Care Plan (EHCP). Not all pupils have a principal need of Social, Emotional and Mental Health needs (SEMH) but ongoing reviews means that this is likely to be the case for those stated as Autistic Spectrum Conditions (ASC) currently. Displaced pupils would be offered an appropriate provision that meets the individual needs of each child as described in their Education Health and Care Plan (EHCP).

Definition of EHCPs:

The majority of children and young people with SEN or disabilities will have their needs met within local mainstream early years settings, schools or colleges. Some children and young people may require an EHC needs assessment in order for the Local Authority to decide whether it is necessary for it to make provision in accordance with an EHC plan.

A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.

A child of compulsory school age, or a young person, has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or
- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions

The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood.

To achieve this, local authorities use the information from the assessment to:

- establish and record the views, interests and aspirations of the parents and child or young person
- provide a full description of the child or young person's special educational needs and any health and social care needs

- establish outcomes across education, health and social care based on the child or young person's needs and aspirations
- specify the provision required and how education, health and care services will work together to meet the child or young person's needs and support the achievement of the agreed outcomes

This information is used to inform the EHC Plan, which is a legally binding document.

Definition of SEMH Needs:

SEMH (Social, Emotional & Mental Health) is a term that was introduced in the Special Educational Need and **Disabilities** (SEND) Code of Practice in 2014. It replaced the terms BESD (Behaviour Emotional Social Development) and EBD (Emotional & Behaviour Difficulties).

Social, emotional and mental health (**SEMH**) needs are a type of special educational needs in which children/young people have severe difficulties in managing their emotions and behaviour.

Children and young people may experience a wide range of social and emotional difficulties which manifest themselves in many ways. These may include becoming withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as Attention Deficit Disorder, Attention Deficit Hyperactivity Disorder or Attachment Disorder.

A **mental health** condition is considered a **disability** if it has a long-term effect on your normal day-to-day activity. This is defined under the Equality Act 2010.

Protected characteristic: Sex

Gender details:

Service Users / Stakeholders

Hunters Hill College is a single sex school, providing teaching provision for boys only.

The proposed closure will impact all pupils on roll. Displaced pupils would be offered an appropriate provision that meets the individual needs of each child as described in their Education Health and Care Plan (EHCP).

Transition to alternative provision will be provided and will be either single sex or co-educational.

Protected characteristics: Gender Reassignment

Gender reassignment details:

Not Applicable

This data is not collected by the DfE or the LA.

The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards finding an alternative, appropriate placement

Protected characteristics: Marriage and Civil Partnership

Marriage and civil partnership details:

Not Applicable

This data is not collected by the DfE or the LA. The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards to finding an alternative, appropriate placement.

Protected characteristics: Pregnancy and Maternity

Pregnancy and maternity details:

Not Applicable

This data is not collected data by DfE or LA. Proposed closure will impact all pupils on roll and each pupil will be considered individually with regards to finding an alternative, appropriate placement.

Protected characteristics: Race

Race details:

Service Users / Stakeholders

This data is not collected by the DfE or LA for pupils.

The proposed closure will impact all pupils on roll and each pupil. Displaced pupils would be offered an appropriate provision that meets the individual needs of each child as described in their Education Health and Care Plan (EHCP).

Protected characteristics: Religion or Beliefs

Religion or beliefs details:

Not Applicable

This data is not collected data by DfE or LA. The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards to finding an alternative, appropriate placement.

Protected characteristics: Sexual Orientation

Not Applicable

Sexual orientation details:	<p>This data is not collected data by DfE or LA.</p> <p>The proposed closure will impact all pupils on roll and each pupil will be considered individually with regards to finding an alternative, appropriate placement.</p>
Socio-economic impacts	
Please indicate any actions arising from completing this screening exercise.	No actions have been identified.
Please indicate whether a full impact assessment is recommended	NO
What data has been collected to facilitate the assessment of this policy/proposal?	<p>Information regarding the pupils is attached.</p> <p>Information regarding the staff group employed by Hunters Hill College will be reviewed if the proposal is approved for implementation. The school will be required to undertake a equalities impact assessment.</p> <p>An individual EHCP review of all pupils will be undertaken if the proposals are accepted to be implemented.</p>
Consultation analysis	<p>Consultation commenced on 22nd June 2020 and ended on 16th October 2020. We have reviewed the equalities assessment at the end of the 1st part of the consultation and updated this impact assessment utilising the feedback received. The 2nd part of the consultation ran from the 12th November until 10th December 2020. At the end of the consultation, officers reviewed the impact assessment and reflected on feedback received.</p>
Adverse impact on any people with protected characteristics.	<p>There is a risk of adverse impacts for any pupils with protected characteristics - if the school closes the children will no longer be able to attend Hunters Hill College and alternative placements will need to be offered. This has been reviewed following feedback received as part of the part of the school organisation consultations. Although this proposal has a risk of adversely impacting boys between 11-16, the School Organisation Regulations 2013 require by law a statement as to 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 these children (which officers commonly refer to as "the SEN improvement test"). The Local Authority provided a statement about the likely improvement to SEN provision as part of the full proposal document, published for public consultation, with further elaboration within the decision report (Cabinet Report and appendices).</p>
Could the policy/proposal be modified to reduce or eliminate any adverse impact?	<p>The proposal is developed to mitigate the risk of adverse impact, specifically the quality and proximity/locality of alternative provision for any displaced pupils and support for pupil wellbeing and transition. Staff have access to support services through HR, professional associations, Trade Unions and wellbeing services.</p>
How will the effect(s) of this policy/proposal on equality be monitored?	<p>Further service user consultation and feedback has been invited and encouraged and will be recorded and considered during the financial year 2020-2021. This equality analysis will be updated throughout the proposal and consultation process (the school organisation process part 1 & part 2) and this analysis will be referenced within the decision report.</p>
What data is required in the future?	<p>Any changes to the protected characteristics may well require further monitoring on the effect of the proposals moving forward.</p>
Are there any adverse impacts on any particular group(s)	Yes
If yes, please explain your reasons for going ahead.	<p>Hunters Hill College is a boys special schools offering up to 135 places for pupils age 11 – 16 (Yr7–Yr11) with an Education and Health Care Plan (EHCP) for Social, Emotional and Mental Health needs (SEMH). There are currently 83 pupils on roll at the school (as at January 2021). Admissions to the school are via the Special Educational Needs Assessment and Review Service (SENAR). The risk of adverse impacts has been identified for any pupils with protected characteristics. This has been reviewed following feedback received during the 1st and the 2nd part of the consultation. Although this proposal risks adversely impacting boys between 11-16, the School Organisation Regulations 2013 require by law a statement as to 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 these children (which officers commonly refer to as "the SEN improvement test").</p>
Initial equality impact assessment of your proposal	N/A

Consulted People or Groups

N/A

Informed People or Groups

N/A

Summary and evidence of findings from your EIA

The proposal will effect pupils with protected characteristics; age, gender and disability; however, if implemented, the risk of pupils being adversely impacted is mitigated by the likely improvement to SEN provision for these pupils and focussed on the individual needs of pupils including review of their EHCPs.

Documents reviewed:

- Consultee List
- Pre-publication consultation summary (part 1)
- Overview of Pupil numbers - Dec 2020
- Statutory Representation public consultation summary (part 2)

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

Decision by Quality Control Officer

Submit draft to Accountable Officer?

No

Decision by Accountable Officer

Date approved / rejected by the Accountable Officer

Reasons for approval or rejection

Please print and save a PDF copy for your records

Yes

Julie Bach

Person or Group

Attachments

Appendix 3 - Hunters Hill Consultation Part 2 Results - Redacted.pdf
Hunters Hill College - Consultee List .docx
Hunters Hill College - Pre-Publication Consultation Analysis.docx
Overview of Hunters Hill Pupil Numbers_Dec 2020.docx

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