

# Birmingham City Council

## Report to Cabinet Member for Education Skills and Culture

Date: February 2020



**Subject:** PROPOSAL TO REMOVE BOARDING PROVISION AT HUNTERS HILL COLLEGE

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

**Relevant Cabinet Member:** Cllr Jayne Francis - Education Skills and Culture

**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](mailto: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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference: <b>00xxx/2018</b>		
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:

- Remove the boarding provision at Hunters Hill College with effect from 1<sup>st</sup> April 2020.

## **2 Recommendations**

That the Cabinet Member for Education, Skills and Culture;

- 2.1 Approve, having taken into account the statutory guidance, the statutory proposal to remove the boarding provision at 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). Of the 135 places available, 32 can accommodate boarding pupils who have an EHCP for a boarding school place.
- 3.2 The school has not admitted pupils with an EHCP for a boarding place for many years. The unit has more recently been used by approximately 31 pupils for evening intervention and short break/respite care due to the fact there are no boarding pupils (pupils with boarding on their EHCP) at the school.
- 3.3 Due to safeguarding concerns that are currently being investigated this service was suspended during the summer and did not open in September 2019. There are no plans to reinstate this facility.
- 3.4 The Local Authority will be giving all parents of pupils who previously received short/break/respite care an opportunity to apply for a referral to request continuing support if they are eligible.
- 3.5 The Local Authority has an obligation to staff and to maintain the residential building although there have not been any boarding pupils for many years. The removal of boarding provision will allow the Local Authority to decommission the residential buildings. The long-term future of the residential building will be decided by the Local Authority.
- 3.6 Both Hunters Hill College and the boarding provision were inspected by OFSTED on September 18<sup>th</sup>/19<sup>th</sup> 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”.
- 3.7 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.” OFSTED found that “there were serious widespread failures at the boarding provision which meant that children and young people were not protected.”
- 3.8 The Local Authority has been providing additional support at the school and has placed two new leaders in the school, one in May 2019 and one in September 2019.

- 3.9 Birmingham Education Partnership (BEP) and Birmingham City Council have been working collaboratively and agreed to move forward with proposals to remove the boarding provision.
- 3.10 Following the Ofsted rating of inadequate, Hunters Hill College became subject to a Directive Academy Order (DAO) on 23<sup>rd</sup> October 2019.
- 3.11 The Local Authority are considering options as per the DfE Guidance for Schools Causing Concerns, one of which could include the implementation of an IEB. An academy sponsor has yet to be confirmed.
- 3.12 A condition survey of Hunters Hill College was carried out on 1<sup>st</sup> March 2019 and identified major structural issues with the residential buildings which will require considerable investment to rectify. The closure of the boarding provision at Hunters Hill College will enable the Local Authority to remove the obligation to maintain the residential buildings that are currently unfit for purpose and have become financially unviable.
- 3.13 In compliance with DfE guidance and best-practice, a statutory pre-publication consultation was completed for the proposal between 21<sup>st</sup> October and 15<sup>th</sup> November 2019 this was in the form of a pre-publication letter. Two responses were received from parents at this stage one by email and one verbally, both opposed to the proposal. The parents were advised to put their comments in writing during the statutory consultation stage.
- 3.14 In compliance with DfE guidance, a statutory notice and proposal were published between 21<sup>st</sup> November and 19<sup>th</sup> December 2019 (four weeks). The representation period commenced with the publication of a statutory notice in the Birmingham Post.

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 notices can be found within **Appendices 1 & 2**.

At the close of the representation period, 21 responses were received regarding the proposal. Of the 21 responses received 10 were opposed, 10 were in favour and one had no comments. A detailed quantitative and qualitative analysis of the consultation and copies of the comments received can be found in **Appendix 3** of this report.

- 3.15 A number of detailed responses were received from parents and staff whereby reference is made to pupils being “residential.” There are currently no pupils on roll at Hunters Hill College who have the requirement for a boarding/residential place on EHCP. All parents of pupils who previously received short/break/respite care will have an opportunity to apply for a referral to request continuing support if they are eligible.
- 3.16 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 and Regulation 7 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Prescribed Alterations Regulations) state 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 Education and Inspections Act 2006, and Paragraph 5 of Schedule 3 to the Prescribed Alterations Regulations 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, the boarding provision at the school will be decommissioned and the Local Authority will no longer be under an obligation to staff and to maintain the residential buildings.

#### **4 Options considered and Recommended Proposal**

- 4.1 The option of doing nothing would mean that Hunters Hill College will remain as a school with boarding provision and the associated costs and safety concerns highlighted in this report will remain a liability for the city, staff and pupils.
- 4.2 To allow for the closure of the boarding provision at Hunters Hill College will enable the Local Authority to;
- Address the serious widespread failures at the boarding provision that have been reported by OFSTED.
  - Remove the obligation to staff and maintain the residential buildings that are currently unfit for purpose and have become increasingly financially unviable.
  - No longer allocate £1.1million from the high level funding block at the Local Authority for Hunters Hill boarding provision, where there are no boarding pupils on roll.

#### **5 Consultation**

##### **5.1 Internal**

During the statutory 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 outcome 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**.

## 5.2 External

5.2.1 The proposal has been fully consulted upon in line with the requirements set out in both the statutory guidance “Making significant changes (‘prescribed alterations’) to maintained schools” (October 2018) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in **Appendix 4**.

5.2.2 During the pre-statutory consultation period, information about the proposal was publicised to the parents, teaching staff, non-teaching staff. During the statutory consultation period, information about the proposal was publicised to all stakeholders consulted during the pre-statutory period and the following additional consultees:

- Birmingham Schools;
- Neighbouring Local Authorities;
- The Archdiocesan and The Anglican Diocese of Birmingham;
- Professional Associations and Trade unions
- All Birmingham Local Councillors

5.2.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper;
- On Birmingham City Council BeHeard webpage;
- On the schools’ webpages;
- On the Birmingham City Council School Notice Board.

5.2.4 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**

## 6 Risk Management

Should the proposals for the closure of the boarding provision not be approved there is a high risk of the following;

An alternative solution would need to be sought to address the following serious issues at the school;

- Ofsted’s judgement of “inadequate”;
- The School’s deficit budget £291,000.
- The buildings are unfit for the original purpose and require a significant level of investment to meet current building standards.

- Safeguarding concerns raised by OFSTED. “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?**

7.1.2 The proposal to remove the boarding provision at Hunters Hill College is necessary in response to the following issues at Hunters Hill College:

- OFSTED’s judgement that Hunters Hill College is inadequate.
- OFSTED’s findings that “there were serious widespread failures at the boarding provision which meant that children and young people were not protected.”
- The Hunters Hill residential building is unfit for purpose.
- There have not been any boarding pupils at the school for many years.

### **7.2 Legal Implications**

7.2.1 This report exercises powers contained within sections 19 and 21 of the Education and Inspections Act 2006 and Schedule 2 and Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the “Prescribed Alterations Regulations”), whereby the Local Authority of a Community Special School can propose to remove the boarding provision by following a statutory process. Under the Prescribed Alterations Regulations, the Local Authority is the decision maker for this statutory proposal.

### **7.3 Financial Implications**

7.3.1 As at December 2019 Hunters Hill College had a financial deficit of £291,000.00. Unviability of maintaining the residential buildings along with the unfilled boarding places is contributing to this deficit. As a consequence of the closure of the residential unit the school will lose £1.1 million high needs funding based on a full year and although the expenditure for the residential unit will also reduce (staffing costs alone equate to £730,000.) there is likely to be an increase in the deficit for Hunters Hill.

7.3.2 The £1.1 million funding is allocated from the high level needs funding within SENAR and has been allocated for boarding places of which none exist at Hunters Hill.

7.3.3 This proposal will remove the requirement to allocate £1.1million to Hunters Hill College. This £1.1 million will be available to fund high level need places elsewhere in the City.

#### **7.4 Procurement Implications (if required)**

Not applicable

#### **7.5 Human Resources Implications (if required)**

- 7.5.1 Any changes to existing terms and conditions of staff or staff reductions resulting from the closure of the boarding provision will be subject to full consultation with the trade unions and teaching associations in line with City Council policy and procedure.

#### **7.6 Public Sector Equality Duty**

- 7.6.1 An updated Equality Assessment initial screening was carried out in October 2018 (EQUA221) against the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of these recommendations.

### **8 Appendices**

1. Full Proposal Document
2. Public Notice
3. Statutory Consultation Results
4. Guidance for Decision Makers
5. Ward Councillors Consulted.

### **9. Background Documents**

- Education and Inspections Act 2006
- Making significant changes ('prescribed alterations') to maintained schools: "Statutory guidance for proposers and decision makers" published by the Department for Education (DfE) October 2018.
- 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