



Department
for Education

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The Proprietor
Fusion College
Manleys Farm
West Buckland
Wellington
Somerset
TA21 9LQ

Ref no:

Date: 24 August 2021

Dear Proprietor

Fusion College

I refer to the inspection carried out by Her Majesty's Chief Inspector of Education, Children's Services and Skills ('HMCI') on 23-24 March 2021 at the above school ('the School') under section 109 of the Education and Skills Act 2008 ('the Act'). You will see from the report ('the March 2021 inspection report'), which has been published, that the inspection found a number of regulatory failings relating to the independent school standards ('ISS')¹.

This March 2021 inspection was preceded by a history of other inspections at which the School was found not to be fully compliant with the ISS. One was conducted by HMCI on 16 January 2018, which found that several of the ISS were not being met in relation to the School, after which a notice was issued by the Secretary of State dated 19 March 2018, under section 114 of the Act, requiring an action plan. An action plan was submitted in response to that notice. The Department rejected the action plan and notice of this decision was given to the proprietor by a letter dated 6 August 2018.

A subsequent inspection, a progress monitoring inspection ('PMI'), was carried out on 11 September 2018. This found that whilst there had been some improvement there were still a number of regulatory failings relating to the ISS. A second notice, under section 114 of the Act, requiring an action plan was issued by the Secretary of State dated 09 November 2018. An action plan was submitted in response to that notice and was rejected by the Secretary of State. The proprietor was given notice of this decision by a letter dated 25 January 2019.

A second PMI was commissioned, which took place on 23 July 2019 and found that although the School had made further progress towards meeting the ISS, some failings still remained. A third notice, under section 114 of the Act, requiring an action plan was issued by the Secretary of State dated 14 August 2019. An action plan was submitted in

¹ Schedule to the Education (Independent School Standards) Regulations 2014 (S.I.2014/3283).

response to that notice and was rejected by the Secretary of State. The proprietor was given notice of this decision by a letter dated 13 November 2019.

A further PMI was commissioned, which took place 09 January 2020 and found, in addition to failings previously identified, further new failings relating to the ISS.

A standard inspection of the School was commissioned and carried out by HMCI on 10-12 March 2020 and, although the School had made progress towards meeting some standards of the ISS which were previously unmet, further new failings were identified.

A subsequent PMI was carried out by HMCI on 23-24 March 2021. This inspection found that the School had made progress towards meeting some standards of the ISS, however, it identified new failings relating to the ISS and that some previous failings remained.

The Secretary of State is satisfied, taking into account the 23-24 March 2021 inspection report, and the regulatory history outlined above, that the seriousness of the failings identified in that 23-24 March inspection report as well as the continued failure of the proprietor to meet all the ISS since January 2018, warrant enforcement action. He has, therefore, decided to impose a 'relevant restriction' on the proprietor of the School. The effect of the specific restriction which the Secretary of State has decided upon will be, when it takes effect, that no new pupils may be admitted to the School.

Decision to impose relevant restriction

Taking account of the 23-24 March inspection report, the Secretary of State is satisfied, for the purposes of section 115(1) of the Act, that a number of the standards in the ISS are not being met in relation to the School. In addition, an action was required to be submitted by the proprietor of the School, by a notice dated 19 April 2018, a further notice dated 09 November 2018 and a further notice dated 14 August 2019 and therefore, in each case, more than two years ago. At least one inspection of the School has been carried out by HMCI since April 2018, November 2018 and August 2019 and given the regulatory history described above, the Secretary of State has not been satisfied that the School was meeting all of the ISS since all the aforementioned occasions when an action plan was required from the proprietor. This means that one of the conditions referred to in section 115(3) of the Act is met for the purpose of taking enforcement action in relation to the proprietor of the School (specifically, the condition contained in section 115(5) of the Act is satisfied). Therefore, the Secretary of State is entitled to take enforcement action under section 115(3) and 116 of the Act in relation to the proprietor of the School.

Having the power to take enforcement action under section 115(3) and 116 of the Act, and having considered whether any, and what sort of, enforcement action under section 116 of the Act is appropriate, the Secretary of State has decided to impose the following relevant restriction (see section 117 of the Act and in particular subsection (1)(c)):

The proprietor of Fusion College, Manleys Farm, West Buckland, Wellington, Somerset, TA21 9LQ, is required to cease to admit any new pupils to that School and that this requirement is to start to apply immediately after the 28-day period stipulated in section 125(2) of the Education and Skills Act 2008 for making an appeal against the decision to impose this relevant restriction, has expired.

The 28-day period referred to above for making an appeal begins on the date on which the notice of the decision to impose the relevant restriction is served on you, the proprietor of the School. The notice attached to this letter constitutes the necessary notice to you. Our

working assumption is that the notice will be served on you, the proprietor, after the end of two working days following the date of this letter. On this assumption, you will be prohibited from admitting new pupils to the School after 23 September 2021, unless you appeal in time (see below).

The Annex to the attached notice sets out the regulatory failings which have led to the decision to impose this relevant restriction.

As the proprietor of the School you have the right under section 125(1)(c) of the Act to appeal against the decision to impose the relevant restriction to the First-tier Tribunal. Any appeal must be made by a proprietor, in writing, within 28 days beginning with the date on which notice of a decision to impose a relevant restriction on them is served on them. If an appeal is made by you, the proprietor, within the required time limit, then the relevant restriction will not take effect until such time as the appeal is determined, withdrawn or otherwise disposed of. The relevant contact details for the First Tier Tribunal are: HM Courts and Tribunal Service, 1st Floor, Darlington Magistrate's Court, Parkgate, Darlington DL1 1RU. Telephone 01325 289350.

As the proprietor of the School you may also apply to the Secretary of State to have the relevant restriction revoked or varied under section 118(4) of the Act. Such an application would be approved only if the Secretary of State was satisfied that it would be appropriate to do so because of any change in circumstances. In particular, the extent to which the ISS are then being met would be of significance to the Secretary of State's consideration of any such application. There is no time limit on when a proprietor may make an application to the Secretary of State under section 118(4) of the Act.

It is an offence for a proprietor to fail to comply with a relevant restriction which has taken effect, with penalties of up to six months' imprisonment and/or a fine (for which there is no statutory maximum).

Finally, further continued failure to comply with the ISS may also result in the Secretary of State deciding that it is appropriate to remove the School from the register of independent schools.

Yours faithfully



Director
School Safeguarding and Pastoral Care Directorate

SECTION 116(1)(a) AND (2) OF THE EDUCATION AND SKILLS ACT 2008²

(‘the Act’)

NOTICE OF THE DECISION BY THE SECRETARY OF STATE FOR EDUCATION TO IMPOSE A RELEVANT RESTRICTION ON THE PROPRIETOR OF THE FOLLOWING SCHOOL:

TO THE PROPRIETOR

Fusion College
Manleys Farm
West Buckland
Wellington
Somerset
TA21 9LQ
(‘the School’)
(933/6215)

WHEREAS -

The Secretary of State for Education, being the regulator of independent schools in England,

- (i) having received the report of an inspection by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (‘HMCI’) carried out on 16 January 2018 to the effect that a number of the independent school standards (as prescribed in the Education (Independent School Standards) Regulations 2014³) were not being met in relation to the School, served a notice (pursuant to section 114 of the Act – a statutory notice) dated 19 March 2018 on the School’s proprietor (‘the proprietor’) requiring the submission of an action plan on or before 19 April 2018;
- (ii) having received the report of an inspection by HMCI of the School carried out on 11 September 2018 to the effect that a number of independent school standards were not being met in relation to the School, served a statutory notice dated 09 November 2018 on the proprietor requiring the submission of an action plan on or before 10 December 2018;
- (iii) having received the report of an inspection by HMCI of the School carried out on 23 July 2019 to the effect that a number of independent school standards were not being met in relation to the School, served a statutory notice dated 14 August 2019 on the proprietor requiring the submission of an action plan on or before 14 September 2019;
- (iv) having received the report of an inspection by HMCI of the School carried out on 09 January 2020 to the effect that a number of independent school standards were not being met in relation to the School;

² c.25.

³ SI 2014/3283.

(v) having received the report of an inspection by HMCI of the School carried out on 10-12 March 2020 to the effect that a number of independent school standards were not being met in relation to the School;

(vi) having received a further report of an inspection by HMCI of the School carried out on 23-24 March 2021 to the effect that the standards from Independent School Standards specified in the Annex to this notice were not being met in relation to the School, and having taken into account the report of that inspection is satisfied that a number of the independent educational institution standards are not being met in relation to the School; and

(vii) being permitted to take enforcement action under section 115(3) and 116 of the Act because the condition in section 115(5) of the Act is met (specifically that (a) at least two years before the enforcement action is taken the Secretary of State required the proprietor of the institution to submit an action plan, (b) at least one inspection of the institution has been carried out, by the Chief Inspector or an independent inspectorate approved under section 106 in relation to the institution, since that requirement was imposed, and (c) the Secretary of State has not at any time since that requirement was imposed been satisfied that the institution was meeting all of the independent educational institution standards);

(viii) has decided to impose the following relevant restriction⁴:

The proprietor of Fusion College, (Manleys Farm, West Buckland, Wellington, Somerset, TA21 9LQ), is required to cease to admit any new pupils to that School and that this requirement is to start to apply immediately after the 28-day period stipulated in section 125(2) of the Education and Skills Act 2008 for making an appeal against the decision to impose this relevant restriction, has expired.

NOW THEREFORE –

Notice is hereby given to the proprietor of the School, for the purposes of section 116(2) of the Act, that the Secretary of State has decided under sections 115(3) and 116(1)(a) of the Act to impose the following relevant restriction:

The proprietor of Fusion College, (Manleys Farm, West Buckland, Wellington, Somerset, TA21 9LQ), is required to cease to admit any new pupils to that School and that this requirement is to start to apply immediately after the 28-day period stipulated in section 125(2) of the Education and Skills Act 2008 for making an appeal against the decision to impose this relevant restriction, has expired.

By virtue of section 116(3) of the Act, the decision in question does not take effect during the period in which (a) an appeal to the First-Tier Tribunal may be brought against it under section 125 of the Act or (b) where such an appeal is brought, the appeal has not been determined, withdrawn or otherwise disposed of.

⁴ 'Relevant restriction' is defined in section 117(1) of the Act – see in particular section 117(1)(c).

Any appeal under section 125 must be brought within the period of 28 days beginning with the day on which notice of the decision is served on the proprietor (section 125(2) of the Act).

Date: 24 August 2021



Director
School Safeguarding and Pastoral Care Directorate

ANNEX TO NOTICE

Fusion College
Manleys Farm
West Buckland
Wellington
Somerset
TA21 9LQ
('the School')
(933/6215)

The following independent school standards, as prescribed in the Schedule to the Education (Independent School Standards) Regulations 2014, are not being met in relation to the School:

PART 1: Quality of education provided

1. The standards about the quality of education provided at the school are those contained in this Part.

2.(1) The standard in this paragraph is met if—

(a) the proprietor ensures that a written policy on the curriculum, supported by appropriate plans and schemes of work, which provides for the matters specified in sub-paragraph (2) is drawn up and implemented effectively; and

(b) the written policy, plans and schemes of work—

(i) take into account the ages, aptitudes and needs of all pupils, including those pupils with an EHC plan; and

(2) For the purposes of paragraph (2)(1)(a), the matters are—

(a) full-time supervised education for pupils of compulsory school age (construed in accordance with section 8 of the Education Act 1996), which gives pupils experience in linguistic, mathematical, scientific, technological, human and social, physical and aesthetic and creative education;

(e) for pupils receiving secondary education, access to accurate, up-to-date careers guidance that—

(ii) enables them to make informed choices about a broad range of career options; and

(iii) helps to encourage them to fulfil their potential;

3. The standard in this paragraph is met if the proprietor ensures that the teaching at the school—

(a) enables pupils to acquire new knowledge and make good progress according to their ability so that they increase their understanding and develop their skills in the subjects taught;

(c) involves well planned lessons and effective teaching methods, activities and management of class time;

(d) shows a good understanding of the aptitudes, needs and prior attainments of the pupils, and ensures that these are taken into account in the planning of lessons;

(e) demonstrates good knowledge and understanding of the subject matter being taught;

(g) demonstrates that a framework is in place to assess pupils' work regularly and thoroughly and use information from that assessment to plan teaching so that pupils can progress;

PART 3: Welfare, health and safety of pupils

7. The standard in this paragraph is met if the proprietor ensures that—

(a) arrangements are made to safeguard and promote the welfare of pupils at the school; and

(b) such arrangements have regard to any guidance issued by the Secretary of State.

PART 4: Suitability of staff, supply staff, and proprietors

18. (2) The standard in this paragraph is met if—

(c) the proprietor carries out appropriate checks to confirm in respect of each such person—

(iv) where appropriate, the person's qualifications;

National Minimum Standards for Residential Special Schools, is complied with,

(3) The checks referred to in sub-paragraphs (2)(c) and (except where sub-paragraph (4) applies) (2)(e) must be completed before a person's appointment.

19. (2) The standard in this paragraph is met if—

(a) a person offered for supply by an employment business to the school only begins to work at the school if the proprietor has received—

(i) written notification from the employment business in relation to that person—

(aa) that the checks referred to in paragraph 21(3)(a)(i) to (iv), (vii) and (b) have been made to the extent relevant to that person;

(b) a person offered for supply by an employment business only begins work at the school if the proprietor considers that the person is suitable for the work for which the person is supplied;

(d) the proprietor, in the contract or other arrangements which the proprietor makes with any employment business, requires the employment business to provide—

(i) the notification referred to in paragraph (a)(i);

21. (1) The standard in this paragraph is met if the proprietor keeps a register which shows such of the information referred to in sub-paragraphs (3) to (7) as is applicable to the school in question.

3) The information referred to in this sub-paragraph is—

(a) in relation to each member of staff (“S”) appointed on or after 1st May 2007, whether—

(iv) checks were made to ensure, where appropriate, that S had the relevant qualifications;

(5) The information referred to in this sub-paragraph is, in relation to supply staff—

(a) whether written notification has been received from the employment business that—

(i) checks corresponding to those referred to in sub-paragraph (3)(a)(i) to (iv), (vi) and (vii) have been made to the extent relevant to any such person;

PART 8: Quality of leadership in and management of schools

34. (1) The standard about the quality of leadership and management is met if the proprietor ensures that persons with leadership and management responsibilities at the school—

(a) demonstrate good skills and knowledge appropriate to their role so that the independent school standards are met consistently;

(b) fulfil their responsibilities effectively so that the independent school standards are met consistently; and

(c) actively promote the well-being of pupils.