



Department
for Education

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The Co-Proprietors
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Dear Proprietors

Notice of Decision under Section 100 of the Education and Skills Act 2008

I am by this letter giving you notice that the Secretary of State has decided, under section 100 of the Education and Skills Act 2008 (“the 2008 Act”), to remove Acorn House College (“the College”) from the register of independent educational institutions in England.

In reaching this decision, the representations in the letter from Dr Selva Pankaj, dated 16th July 2021 (“the Representations Letter”), were taken into account.

Reasons for Decision

a) The two pre-conditions for exercising the discretion to de-register

The Secretary of State had reasonable cause to believe that the College has ceased to be an independent school and did not have reasonable cause to believe that the College will become an independent school in the next 12 months.

(A) The Secretary of State had reasonable cause to believe that the College has ceased to be an independent school because it appears, from correspondence that no person of compulsory school age has attended the College since the beginning of the 2020/21 academic year. It is an essential element of the definition of an “independent school” that full-time education is provided by an institution to five or more pupils of compulsory school age, or one or more such pupils with an EHC plan or a statement of special educational needs or who is “looked after” by a local authority.

I refer, in particular, to the communication of 29 June 2020, from [REDACTED] to [REDACTED], which stated as follows:

As a result of the on-going effects of the pandemic and the requirements around ensuring that buildings are Covid-19 secure, we have made the decision to operate only our college in Harrow – Regent Independent College – next academic year and not to open Acorn House College for the forthcoming academic year.

Acorn House College's current academic year ends 3/7/2020.

It is our current intention to operate the College again in Sep 2021 onward, under a new trading name (Regent Independent College – Southall).

But for next year we do not wish to have any full-time students on roll.

In addition, correspondence was received from the College on 20 April 2021 advising that the College had remained closed since the beginning of the academic school year, with the intention then to reopen in September 2021. The Department was further advised by the College on 28 May 2021 that there were currently no pupils on roll at the School, with previous pupils now enrolled at Regent Independent College or other schools and colleges in the local area. Furthermore, we were told that all staff at the College had been made redundant in the Summer of 2020. Finally, it is implicit from the Representations Letter that the College is still closed.

(B) The Secretary of State did not have reasonable cause to believe that the College will become an independent school in the next 12 months.

As stated above, it is an essential element of the definition of an "independent school" that full-time education is provided to five or more pupils of compulsory school age, or one or more such pupils with an EHC plan or a statement of special educational needs or who is "looked after" by a local authority. It does not appear that College will provide this education in the next twelve months and therefore, become an independent school. This is because in its correspondence of 20th April 2021, the College indicated that it was considering not re-opening until September 2022, seeking permission for this, and then on 28th May 2021 it told us that all staff were made redundant in the Summer of 2020. In the Representations Letter, it once again sought permission to stay closed and only start admitting pupils at the beginning of the 2022/23 academic year. The Representations Letter consists of a number of representations about why the College should be allowed to remain closed until September 2022. We have not been presented with material from the College that it is contemplating re-opening before September 2022.

b) Why the College should be removed from the register

As stated above, the representations in the Representations Letter have been taken into account. The Secretary of State, however, does not consider it appropriate to allow institutions to remain on the register of independent schools whilst they are closed for the very long period of time the proprietors of the College envisage in this case. In this case the School has already been closed for an academic year and the proposal is that it should remain closed for a further academic year. During a period of closure inspectors are unable to gather sufficient evidence to judge an institution against the independent school standards and closure for such an extended period of time represents a lack of operational continuity. This means that the Department lacks assurance that, and that there is a risk about whether, on re-opening that the College will be fully compliant with the independent school standards. These obligations are about, amongst other things, providing an appropriate quality of education and the proper safeguarding of pupils. We think a prudent approach is the right approach. That in circumstances such as the

present, a school should not be able to re-open, until with the aid of an inspection, we can be satisfied that it is likely to meet the ISS.

Right of Appeal against the Decision

As co-proprietors of the College you have the right under section 124(1)(a) of the 2008 Act to appeal against the above decision to the First-tier Tribunal. The contact details for the Tribunal are as follows; HM Courts and Tribunal Service, 1st Floor, Darlington Magistrates' Court, Parkgate, Darlington, DL1 1RU; telephone 01325 289350. On appeal, the First-tier Tribunal may either confirm the decision or direct that the decision is of no effect. Any appeal against the above decision must be made, in writing, within 28 days of the date on which notice of the decision is served on you. This letter constitutes notice of that decision. We are assuming that this letter will have been served on you two working days after the day it is dated. That is to say, on 23 August 2021. Therefore, on that assumption, any appeal must be made by you by 20 September 2021.

If an appeal is made by you within the required time limit, then the decision to remove the College from the register will not take effect until such time as the appeal is determined, withdrawn or otherwise disposed of.

If you do not appeal against this decision, the College will be removed from the register once the period of 28 days, beginning with the day on which this letter is served on you, has expired. On the assumption we are making above, that means that, the College will be removed from the register on or very soon after 20 September 2021.

It is an offence, under section 96(2) of the 2008 Act, to conduct an unregistered independent school, with the offence being punishable by up to six months imprisonment and/or a fine (for which there is no statutory maximum). Therefore, if the College is removed from the register, you must take appropriate action to ensure that this offence is not committed.

Yours sincerely,


Independent Education and Boarding Team