

Brighton & Hove City Council

Children, Young People & Skills Committee

Agenda Item 43

Subject: School Admission Arrangements September 2024-25

Date of meeting: 09 January 2023

Report of: Executive Director Families, Children & Learning

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Ward(s) affected: All

For general release

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the timing and length of the consultation, as prescribed in the School Admission Code, meant it did not conclude until 31 December 2022 and a period of time was required to analyse and report on the responses received. The summary of responses is included in this report and have informed the recommendations of the report.

1. Purpose of the report and policy context

- 1.1 This report details the proposed school admission arrangements for the city's schools, for which the Council is the admission authority, for the academic year 2024-25.
- 1.2 The report details the outcome of the consultation undertaken in November and December 2022 on the proposed changes to the Published Admission Number of two infant schools and one junior school.
- 1.3 The committee will be asked to approve the recommendations in this report and determine the admission arrangements, including the scheme for coordinated admissions and the "relevant area" for the academic year 2024-25.

2. Recommendations

- 2.1 That Committee agree to make no changes to the council's school admission arrangements or secondary school catchment areas, except for the changes listed in sub- paragraphs 2.2- 2.4 below.
- 2.2 That the committee agree to a change to the Published Admission Number (PAN) for Downs Infant School from 120 to 90 pupils

- 2.3 That the committee agree to a change to the Published Admission Number (PAN) for Hertford Infant School from 60 to 30 pupils
- 2.4 That the committee agree to a change to the Published Admission Number (PAN) for Hove Junior School - Holland Road from 96 to 64 pupils
- 2.5 That Committee agree to make no change to the coordinated scheme for admissions or to the “relevant area”.

3. Context and background information

- 3.1 Admission Authorities are required to determine their admission arrangements annually. Where changes such as a decrease in the PAN are proposed the admission authority must first publicly consult on those proposed arrangements. The School Admissions Code sets out those groups and individuals who must be consulted.
- 3.2 Pupil numbers overall across the city have been falling and are forecast to continue to fall over the next few years.
- 3.3 Schools are funded by the government, not the council. The funding is largely done on a per-pupil basis and nearly all of it covers staffing costs. If schools don't have enough pupils attending or suffer from fluctuating numbers, they may not be able to operate in a financially efficient way and risk entering a budget deficit. If the number of surplus places in the city is not addressed some schools could face significant financial issues that will impact on their ability to sustain their school improvement journey. Where schools do not take appropriate action to adjust their expenditure in line with changes in revenue, they risk incurring a deficit budget which has an implication for the school and the council's own budget.
- 3.4 This comes at a time when schools are also facing several other financial pressures generated by the scale of government funding and inflationary pressures on areas such as staff costs, energy bills and other goods/services.

Consultation Approach

- 3.5 The Regulations outline who must be consulted in relation to school admission arrangements. This includes parents of children between the ages of two and eighteen; other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions; all other admission authorities within the relevant area and any adjoining neighboring local authority areas, where the admission authority is the local authority.
- 3.6 On 14 November 2022, all schools were advised via a Schools Bulletin article, of the agreement of the CYP&S committee on 7 November 2022 to undertake a consultation on the proposed reduction of PAN at Downs Infant

school, Hertford Infant School and Hove Junior School – Holland Road. All documentations were supplied with the bulletin.

- 3.7 The consultation started on 14 November 2022 and closed on 31 December 2022. It was open for 7 weeks and a total of 48 days, meeting the 6-week minimum requirement outlined in the Schools Admission Code.
- 3.8 The council has endeavored to publicise the consultation by issuing a press release and advertising the consultation through various social media channels. Nursery and childcare providers in the city have been directly contacted to encourage participation in the consultation.
- 3.9 A series of public meetings were arranged to facilitate discussion about the proposals and to collect views. Three meetings were arranged with a focus on each infant school featuring in the proposals, one during the daytime and two in the early evening, one in person at the school and two held virtually through Microsoft Teams. An open, virtual meeting was also offered focusing on the proposals in general.
- 3.10 In total there were 27 attendees to virtual meetings and 24 attendees to in-person meetings and 7 responses to the online consultation response form.
- 3.11 An offer was made for parents to contact the council to discuss the proposals and provide verbal response to the consultation that could be recorded by officers; however, this offer was not taken up by any respondents.
- 3.12 Additionally, the Council endeavored to encourage responses to the consultation from groups in the city who might not usually participate with consultations on school admissions. PACC and Amaze issued information to parents in their community about the proposals and consultation and EMAS (Ethnic Minority Achievement Service) provided information, advice and assistance to complete the consultation to families through their Home:School Liaison workers.
- 3.13 In revised pupil forecasts, the Council is projecting that in September 2023 there will be 2169 applications leaving 531 places unfilled should no reduction of places take place.
- 3.14 In September 2024 pupil numbers are projected to be 2107 leaving 593 places unfilled if there is no change to current PANs and 563 unfilled places if the proposals in this report go ahead.
- 3.15 The first indication of pupil numbers in September 2026 forecast there will be 1948 applications leaving 752 surplus places unfilled should no further reduction of places take place and 692 surplus places if the proposals in this report go ahead.
- 3.16 The School Admission Code details that once admission arrangements have been determined for a particular school year, they cannot be revised downwards by the admission authority unless the admission authority

consider such changes to be necessary in view of a “major change in circumstances”. Such proposals must be referred to the Schools Adjudicator for approval.

Downs Infant School

3.27 There were 6 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 2 below. In total 2 respondents (29%) tended to disagree or strongly disagreed with this proposal compared to 4 respondents (57%) who strongly agreed or tended to agree with this proposal. 1 respondent (14%) didn't offer an opinion or didn't answer the question.

3.28 Comments on the question included concern about the impact of sibling links and the number of places that would be available for other children and the need for the PAN at the linked junior school to be reduced in the future to match the infant school PAN.

3.29 Discussion at the public meetings was generally in favour of the proposal.

Table 2

Option - to reduce the PAN at Downs	Total	Percent
Strongly agree	1	14
Tend to agree	3	43
Neither agree nor disagree	0	
Tend to disagree	0	
Strongly disagree	2	29
Don't know / not sure	0	
Not Answered	1	14

Hertford Infant School

3.30 There were 7 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 3 below. In total 2 respondents (28.5%) tended to disagree or strongly disagreed with this proposal compared to 3 respondents (43%) who strongly agreed or tended to agree with this proposal. 2 respondents (28.5%) didn't offer an opinion or didn't answer the question.

3.31 Several responses raised concerns about potential of staff redundancies with a reducing PAN, and the impact on children who have additional needs as the proportion would be higher than in a larger school.

3.32 Although not part of the council's admission arrangements, an additional question was asked seeking respondents' views about the possibility of Hertford Infant & Junior schools coming together on one site. Questions were raised about which site would be selected and potential benefits/problems with each site were indicated. Comments made through the consultation portal and in the public meetings in response to this question were positive.

Table 3

Option - to reduce the PAN at Hertford	Total	Percent
Strongly agree	1	14
Tend to agree	2	29
Neither agree nor disagree	1	14
Tend to disagree	1	14
Strongly disagree	1	14
Don't know / not sure	1	14
Not Answered	0	0

3.33 An additional question was asked about respondents' views on the Hertford schools coming together in the future on one site. One response was made indicating that this seemed a sensible approach.

Hove Junior School – Holland Road

3.34 There were 6 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 4 below. In total no respondents tended to disagree or strongly disagreed with this proposal compared to 3 respondents (50%) who strongly agreed or tended to agree with this proposal. 3 respondents (50%) didn't offer an opinion or didn't answer the question.

3.35 There were no comments made in relation to this question.

Table 4

Option- to reduce the PAN at Hove Jn – Holland Rd	Total	Percent
Strongly agree	1	14
Tend to agree	2	29
Neither agree nor disagree	1	14
Tend to disagree	0	0
Strongly disagree	0	0
Don't know / not sure	2	29
Not Answered	1	14

Secondary school admission arrangements

3.36 There were no responses provided to this part of the consultation. Therefore, it is recommended that no change is made to the secondary school admission arrangements.

Infant & Primary school admission arrangements

3.37 There were no responses provided to this part of the consultation. Therefore, it is recommended that no change is made to the Infant & Primary school admission arrangements.

The co-ordinated admission schemes for 2024/25

3.38 There were no responses received regarding this matter. Therefore, it is recommended that no change is made to these schemes.

The 'relevant area' for consultation

3.39 There was one response provided to this part of the consultation highlighting a potential risk of further oversubscription to some schools if the area was expanded. It is recommended that no change is made to the 'relevant area as currently stated.

4. Analysis and consideration of alternative options

4.1 The Council only consulted upon proposals to reduce the PAN at the three schools detailed in this report. Any additional changes to other schools were not considered as part of a public consultation and therefore the views of the community on those alterations would not be known. Under the School Admission Code this must be undertaken following a consultation with the governing body. All admission authorities must consult where they propose a decrease to the PAN. Community schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection.

4.2 The Council could seek to make no change to the PAN of any school. Whilst this may ensure the council can meet a high level of parental preferences it places more schools at risk of financial difficulty.

4.3 It is possible for the Council to seek agreement from the Schools Adjudicator for a variation to the PAN of schools with effect from September 2024 after notifying all other admission authorities within the relevant area. This needs to follow a major change in circumstances which, the council would need to argue, could include details of actual preferences received for specific schools from January 2024 onwards.

5. Community engagement and consultation

5.1 The Council scrutinised the Voluntary Aided (VA) Schools, Academies and Free Schools' proposed admission arrangements for 2024/25. VA schools are required to consult their religious authority (in this case the Diocesan Authority) before consulting others. The Council will review the final document published by the Governing Bodies and trusts before deciding whether it should comment or act further.

5.2 The Council has met with all Headteachers and Chairs of Governors of larger primary schools in the city to discuss whether a future reduction in PAN was a proposal that they would wish to undertake. No other schools have yet indicated a willingness to undertake such a reduction. The council is committed to continuing this discussion.

- 5.3 Three public meetings, one during the day and two in the early evening were facilitated for each of the infant schools where there is a proposed reduction in PAN. One of these meetings was in person at the school and the others were held virtually. An additional open, virtual meeting where also held giving interested parties the opportunity to discuss the proposals in general. The virtual meetings were conducted through Microsoft Teams. There was a range of attendance from one parent at one event up to 6 participants at another.
- 5.4 The consultation started on 14 November 2022 and closed on 31 December 2022. Information about the consultation and links to the virtual public meetings was available on the council's website www.brighton-hove.gov.uk/SchoolAdmissionsConsultation.
- 5.5 Responses could be provided to the consultation through the council's consultation portal <https://consultations.brighton-hove.gov.uk> or by email to the school admission team. Notes of any themes raised at the public meetings were recorded and there was the opportunity for parents to provide a verbal response to the consultation by telephone.
- 5.6 An Equalities Impact Assessment was conducted to ensure that the consultation was conducted to ensure that groups with protected characteristics were included.

6. Conclusion

- 6.1 After consultation it is proposed to make no changes to admission arrangements or catchment areas (other than the ones outlined below)
- 6.2 It is proposed that the Published Admission Number for Downs Infant School is reduced from 120 places to 90 places. This will support a reduction in the amount of surplus primary school places available in the city in September 2024.
- 6.3 It is proposed that the Published Admission Number for Hertford Infant School is reduced from 60 places to 30 places. This will support a reduction in the amount of surplus primary school places available in the city in September 2024. It will also help facilitate a move to a single form entry primary school, on one site, in the future.
- 6.4 It is proposed that the Published Admission Number for Hove Junior School (Holland Road site) is reduced from 96 places to 64 places. This will align with the Published Admission Number of the linked infant school and will support a reduction in the number of surplus primary school places available in the city in September 2024.
- 6.5 After admission arrangements are determined a variation can only be revised by detailing the "major change in circumstances" to the Schools Adjudicator and obtaining their approval.

7. Financial implications

7.1 School budgets are determined in accordance with criteria set by the government and school funding regulations dictate that at least 80% of the delegated schools block of funding must be allocated through pupil-led factors. This means that schools with falling pupil numbers are likely to see reductions in annual budgets. This situation can be particularly challenging where pupil numbers in year groups fall well below the expected number based on the PAN of a school.

7.2 Without a planned reduction in PAN it will be challenging for those schools to plan ahead for staff reductions and set a balanced budget. For the schools where reductions in PANs are proposed there will be direct implications and the need to plan future years' budgets to reflect lower pupil numbers and the consequent impact on budget allocations. However, planned reductions in PANs may mean schools are more likely to be able to balance their budgets if operating with full forms of entry.

7.3 The proposal to decrease the PAN for a number of schools is intended to reduce the number of surplus school places to safeguard and indirectly benefit the wider provision across the city.

Name of finance officer consulted: Steve Williams Date consulted: 14/12/22

8. Legal implications

8.1 Section 88C of the School Standards and Framework Act 1998 and the School Admissions (Admissions Arrangements and Co-ordination of Admission Arrangements) Regulations 2012 require admission authorities to determine their admission arrangements annually. Arrangements must be determined 18 months in advance of the academic year to which they apply.

8.2 Where changes such as a decrease in the PAN are proposed to admission arrangements the admission authority must first publicly consult on those proposed arrangements. The School Admissions Code 2021 states that consultation must be for a minimum of six weeks and must take place between 1 October and 31 January of the school year before those arrangements are to apply. For the academic year 2024/25 the arrangements must therefore be determined by 28 February 2023.

8.3 Anybody or person who considers that the admission arrangements are unlawful, or not in compliance with the Code or relevant law relating to admissions, can make an objection to the Schools Adjudicator. In particular, paragraph 1.3 of the Code states that "Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection." Any objections to admission arrangements must be referred to the Schools Adjudicator by 15 May in the determination year i.e., by 15 May 2023 for the purposes of these admission arrangements.

8.4 As stated in the body of the report, Admission authorities may propose variations to determined arrangements, such as a reduction to the PAN of a school, to the Schools Adjudicator where they consider such changes necessary in view of

a 'major change of circumstance'. There is no definition of what would constitute a 'major change in circumstance' in the legislation or Code. There is therefore no guarantee that the Adjudicator would view a reduction in the number of applicants to a school as a major change in circumstances which would justify a reduction in the PAN. The Authority must consult the governing body of the school before making any such a referral.

8.5 The 1998 Act also requires local authorities to establish a relevant area in which admission authorities must consult regarding their admission arrangements. The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999 requires LAs to consult on these proposals every two years.

Name of lawyer consulted: Serena Kynaston Date consulted: 12.12.2022

9. Equalities implications

9.1 An Equality Impact Assessment has been carried out on the proposals being recommended to the committee. The assessment can be found at Appendix 5 and the results have been incorporated into the content of the report.

9.2 It is worth noting that the admission process is 'blind', by virtue of applications being considered in line with the published admission arrangements that do not take account of a person's protected characteristics.

9.3 However, the availability of school places across the city could have an impact on certain groups by virtue of their proximity to certain schools and the availability of places should families make a late application.

9.4 When determining admission arrangements, the council needs to ensure that there are sufficient school places available within a reasonable distance for families who may contain members who have special educational needs, disabilities, speak English as an additional language and of various races/ethnicities. This will ensure that if families apply after the deadline date they will not be significantly disadvantaged and face the prospect of a lengthy journey to school.

9.5 It is recognised that to foster strong community cohesion school's intake should seek to reflect the city's diversity.

10. Sustainability implications

10.1 Wherever possible the council aims to reduce the number of journeys to school undertaken by car. A reduction in the availability of school places across the city could risk a rise in the number of journeys undertaken by car.

10.2 Schools are expected to have a School Travel Plan to:

- reduce the number of vehicles on the journey to school
- improve safety on the journey to school
- encourage more active and sustainable travel choices

- 10.3 Any change in PAN is expected to require the school's travel plan to be re-written to take account of the change.
- 10.4 Many primary schools are clustered in areas which means that a reduction in places will not mean a significant increase in journeys to other schools.
- 10.5 It is recognised that schools are at the heart of their communities and have a significant role to play for families in supporting their local community. However, in the longer term the reduction in pupil numbers could lead to schools having additional financial pressures which could threaten their long-term viability.

Supporting Documentation

1. Appendices

Appendix 1 - Published Admission Numbers

Appendix 2 - Admission arrangements and priorities for community primary and secondary schools

Appendix 3 - Coordinated scheme of admissions – primary.

Appendix 4 - Coordinated scheme of admissions – secondary.

Appendix 5 – Equalities Impact Assessment