

BRIGHTON & HOVE CITY COUNCIL
CHILDREN, FAMILIES AND SCHOOLS COMMITTEE

6.30PM – 23 JANUARY 2006

COUNCIL CHAMBER
BRIGHTON TOWN HALL

MINUTES

Present: Councillors Hawkes (Chair), McCaffery (Deputy Chair), Brown (OS), Giebeler, Hazelgrove, Hyde, John, Kemble, Mallender and Young.
Also present: Councillors Oxley and Randall

PART ONE

ACTION

59. PROCEDURAL BUSINESS

59A Declarations of Substitutes

59.1	<u>Substitute Councillor</u>	<u>For Councillor</u>
	Cllr Kemble	Cllr K Norman

59B Declarations of Interest

59.2 Councillor Randall, attending the meeting to speak on item 65, declared an interest stating that he had grandchildren at local schools.

59C Exclusion of Press and Public

59.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

59.4 **RESOLVED** - That the press and public not be excluded from the meeting.

60. MINUTES

60.1 **RESOLVED** - That the minutes of the meeting held on 28 November 2005 be approved and signed by the Chair.

61. CALLOVER

61.1 **RESOLVED** - That, with the exception of the items reserved (and marked with an asterisk), the recommendations and resolutions contained therein be approved and adopted without debate excepting Notices of Motion, Deputations, Petitions and Letters which are reserved automatically.

62. PETITION – PROTEST AGAINST THE PROPOSED CHANGES TO SCHOOL ADMISSIONS

62.1 The Committee received two petitions. Both petitions had the same wording (see paragraph 62.2 below). The first petition was signed by 371 people, and was presented at Council on 24 November 2005 by Councillor Peltzer Dunn. The second petition was signed by 1200 people and was presented at Council on 19 January 2006 by Councillor Peltzer Dunn. Councillor Oxley presented both the petitions to the Committee.

62.2 "We, the undersigned wish to PROTEST against the proposed changes to school admissions.

- ◆ We want to keep our CHILDREN'S HUMAN RIGHT TO ACCESS THEIR LOCAL SCHOOL
- ◆ We want to keep the SIBLING rule
- ◆ We want to keep to the Council's WALK TO SCHOOL policy
- ◆ We want our children to get to school SAFELY without unnecessary travelling
- ◆ We want to the Council to keep its current successful record of meeting 9 out of 10 first preference applications"

62.3 **RESOLVED** – That the petitions be noted.

63. DEPUTATION – SECONDARY SCHOOL ADMISSIONS REVIEW

63.1 The Committee received a deputation relating to Secondary School Admissions Review, which was presented to Council on 19 January 2006. The Deputation concerned the Secondary Schools Admissions Review

63.2 The Deputation and response given at Council on 19 January 2006 is as follows:

Mr Robert Eastwood (Spokesperson)

“This is a Deputation to Council from the Brighton and Hove School’s Action Group concerning the Secondary School Admission Review Working Group Report. The Working Group Report for next weeks CFS Committee has seven recommendations in Section 2, all of which have our support. Why then are we taking up five minutes of your time? Our purpose is to offer advice to the CFS on the way forward and our advice differs from that of the Working Group. We have three points to make.

The first, contrary to the working group, we advise the council to abandon permanently any idea of handling over-subscription by using distances to imaginary schools or nodes. As argued in our November Deputation this exotic technique can do nothing but harm. Nodes have two key disadvantages compared to recognise rationing schemes such as the one we currently use or zoning for example. Nodes transfer places at popular schools from children living close to those schools to children living further away which cannot make sense and they threaten instability as year on year groups of angry parents try to get these arbitrarily located nodes moved around. The overwhelming majority of consultation respondents rejected nodes and they were right to do so.

Secondly, we think that the finite resources of council officials should be concentrated on improving the quality of existing schools, especially those that are under-subscribed. Any further review should have secondary school quality as its focus, this does not mean that modelling alternative over-subscription criteria is a bad idea but nobody should imagine that tinkering with the criteria will have any affect on the deep dis-satisfaction felt by parents whose children end up with offers at places at what are perceived as bad schools. Such tinkering can only change which parents lose out not how many. It is worth noting that parents’ judgements about ‘good’ and ‘bad’ schools may be as much about classroom environments as league table measures of academic achievement. The proposed extra questions on the secondary admissions application form could gather valuable information about what is most important to parents.

Thirdly, regarding the choice to be made between the current system of distance measurement and the 2004 system, we believe the Council should continue with the current system. The 2004 system gives discretion to Council Officers over allocation but it is unclear exactly how this discretion should be exercised. This conflicts with the Government’s Admission Guidelines which state that ‘admission authorities should aim to ensure that admission criteria are clear, fair and objective.’

The Council's own legal advice is that a reversion to the 2004 system could leave open the Council to possible legal challenge."

The following response was provided by Councillor Hawkes:

"The council is grateful for the advice from the Brighton and Hove action group and from the other groups who have also offered comments and suggestions. The Brighton and Hove Action Group proffer three suggestions:

The first is that we abandon permanently any idea of using nodes. The directive paper on secondary admissions records the recommendations of the working group and includes these in the recommendations to CFS Committee for our recommendations on the 23 January. Included in these is the continuation of work and modelling of the implications of the recently published School White Paper and alternative models for possible implementation in 2008. This may include a consideration of the use of nodes which was one element of the initial proposals and popular with some areas of the city. However, the proposed further work will build upon all of the evidence and comment received through the consultation process including that of the Working Group and those received since the publication of the paper.

The second suggestion is for us to concentrate on improving the quality of existing schools. We are constantly raising standards within our schools and will continue to do so. Within the secondary sector this year we have seen our GCSE results rise by 6% as compared to the national rise of 3%. All schools will have issues from time to time but every secondary school in Brighton and Hove is successful for the vast majority of its pupils. It has been particularly gratifying to see responses to the consultation which praise all of our schools, not just those deemed to be popular. Similarly, most parents who have been unhappy with the initial allocation of a secondary school have said that they are now more than happy with the education provided for their children.

The third suggestion is that we retain the existing system rather than revert to the 2004 process. The CFS paper lists these choices as alternative options and asks that CFS Committee decide which option should be preferred in the best interests of the City as a whole, as the arguments between them are finely balanced. But as I said Committee will decide that on Monday."

63.3 **RESOLVED** – That the Deputation be noted.

64. PUBLIC QUESTIONS

64.1 Five written questions had been received from members of the public.

64.2 Question One - Lynne Nicholls

'Given that the vast majority of the wards negatively affected by the Council's current schools' admission policy are not represented on CF&S can those who are members guarantee that any decisions made will be for the benefit of the city as a whole and not influenced by the fact that local elections take place in May 2007?'

Councillor Hawkes provided the following response:

'The CFS Committee is charged with representing the City as a whole in their committee deliberations and can therefore categorically acknowledge that all decisions, including, those related to the Director's Secondary Admissions Review, are made for the benefit of Brighton & Hove as a whole.'

Lynne Nicholls asked a supplementary question.

Councillor Hawkes responded

64.3 Question Two – Paul Grivell

'The SAR Working Group state nodes will be broadly 'beneficial' and 'represent a considerable improvement', but won't recommend them as there's no mandate from the public consultation.

The analysis of parent's comments lists eight reasons for rejecting nodes, all easily discounted as misinformed and incorrect. At root some parents won't give up any of their numerous choices so that others with no choice may have just one.

Whilst recognising the city's wider interests are best served by the nodal system the Working Group recommends doing nothing because it fears upsetting a privileged group. Will CFS also 'do nothing' on this basis?

Councillor Hawkes provided the following response:

'The Working Group developed their proposals and published these in the consultation document issued during November 2005. The working group received a full analysis of the 3500+ consultation replies at the end of December 2005.

The majority of the working group felt that the significant response of the City to the consultation that we retain the existing system negated the implications of their proposals. However, the working group also felt that the consultation

became polarised with respondents largely focussing on the issue of "moving the borders of discontent". They therefore recommend that the present system remain whilst officers found a way to continue the investigation and modelling of options for a future Secondary Admissions process.

CFS has received these recommendations as part of the Directors Secondary Admissions Review paper and will consider the and the options included before making a decision for Secondary Admissions in 2007.

Paul Grivell asked a supplementary question.

Councillor Hawkes and Director Children Families & Schools responded

64.4 Question Three – Mike Landmann

'Councillors, constituency MPs and parents all agree that the current schools admissions policy is unfair. When the Council were asked to address this unfairness they consistently replied that this was not possible in the time for the 2006 intake but that changes consequent on the review would be effective for the 2007 intake. Given that the review working party is firmly of the view that the proposals expressed in the consultation document 'would have a beneficial effect' on the city what measures will the committee now take to ensure that changes do indeed take place for the 2007 intake.'

Councillor Hawkes provided the following response:

'The Working Group developed their proposals and published these in the consultation document issued during November 2005. The working group received a full analysis of the 3500+ consultation replies at the end of December 2005.

The majority of the working group felt that the significant response of the City to the consultation that we retain the existing system negated the implications of their proposals. However, the working group also felt that the consultation became polarised with respondents largely focussing on the issue of "moving the borders of discontent". They therefore recommend that the present system remain whilst officers found a way to continue the investigation and modelling of options for a future Secondary Admissions process.

CFS has received these recommendations as part of the Directors Secondary Admissions Review paper and will consider the and the options included before making a decision for Secondary Admissions in 2007. '

Mike Landmann asked a supplementary question.

Councillor Hawkes and Assistant Director Schools responded

64.5 Question Four – Richard Swann

'I have just read the above document cannot understand that you are considering reverting to the 'pre 2004 system' for this years allocation of places. How can this be fair when you have sent out a consultation document that has no mention of this option, and which I believe, correct me if I am wrong, was thrown out for its unfairness at that time. This would still very much be the case, even with 'additional professional moderation'. As the lawyer you consulted pointed out 'this would be open to legal challenge with regards to the decision making process'. I, and many others I'm sure would be ready to 'legally challenge' this. I know when this was in place, Westdene children were offered Falmer as their secondary school and we know all the issues why this is not acceptable. There is also the cost of this 'rehash'. As your finance officer points out, this will have to come from existing funds. Is this not just an attempt to appease the parents who started the protest against the existing system, with the potential to 'draw the line' of catchments to where it suits?'

Councillor Hawkes provided the following response:

'The consideration of a return to the 2004 process for Secondary admissions is included as one of two options presented in the Director's paper for consideration by CFS Committee on 23rd January. The paper gives the reason for each option and asks that CFS make a choice given that the arguments between the two options are so finely balanced. The suggestion to revert to the 2004 system is made as this process is less rigid and offers an opportunity to resolve anomalies by applying professional judgement. As this process has been criticised in the past it is suggested that the inclusion of external professional moderation could offset possible concerns.

The paper offers CFS Committee a range of recommendations to consider, including the 2004 option, and the committee will decide which of these recommendations should be adopted as being in the best interests of the City as a whole. '

Richard Swann asked a supplementary question.
Assistant Director Schools responded

64.6 Question Five – Gordon Blythe

'The CFS committee is pledged to operate according to a

series of guiding principles, one of which is "Providing equal access to services".

The Secondary Admissions Review Report to the Committee notes, under 'Equalities Implications', that "the authority will have a continuing duty of advocacy for those families living in the outskirts of the city who never have access to popular schools"

The current admissions system has created new zones of the city where families are unable to express a meaningful schools preference.

Can the Committee tell us whether the authority intends to advocate on their behalf, and if so, how?'

Councillor Hawkes provided the following response:

'The Committee has advocated and intend to continue on behalf of the families who don't have access to the popular schools.

The Committee advocated for these families by asking a Working Group to consult the City about the present admissions process and to formulate proposals that could bring about greater fairness.

The committee will continue to advocate for this group by considering the recommendations of the working group and deciding which paths to take towards future admissions processes.'

Gordon Blythe asked a supplementary question.

Councillor Hawkes responded

64.7 **RESOLVED** – That the Public Questions be noted.

***65. SCHOOL ADMISSIONS REVIEW**

65.1 The Committee considered the report of the Director of Children Families & Schools relating to the School Admissions Review. The report considered the policy for determining the allocation of places at Secondary Schools in September 2007 and beyond.

65.2 The following amendment to recommendation 2.7 (see minute book) was proposed by Councillor Mallender and seconded by Councillor Giebeler.

The wording of the amendment was:

'For 2007, to revert to a modified 2004 system with 80% of pupils selected from within the closest geographic area and 20% from beyond that boundary. The system will be further safeguarded with additional external professional moderation

to offset concerns regarding officer discretion.'

The solicitor to the Committee gave the following legal advice on the proposed amendment:

'The Working Group have not explained the implications of this option nor consulted with the public. It would have to do both before considering changing to this system or the Council could be vulnerable to legal challenge to its decision making process.'

The Committee voted against accepting the amendment.

65.3 **RESOLVED** – (1) That the outcome of the recent consultation overseen by the cross-party Working Group be noted.

- (2) That the recommendation from the Working Group that the sibling link criterion be retained be agreed.
- (3) That it be agreed that, in light of the findings, to carry out further work and modelling of the implications of the recently published Schools White Paper and of alternative models for possible implementation in 2008.
- (4) That it be agreed for the Working Group to take this matter forward, and to be chaired in future by the Assistant Director, Schools. To review the structure of the Parent Stakeholder group, with a view to ensuring full and appropriate membership from across the City, and for the group to continue to meet throughout 2006/07, in order to help inform and comment on the working group's proposals.
- (5) That it be agreed to consider possible amendments to the Secondary Admissions application form for 2006/07 to include questions related to parents/carers choice of Secondary School, so that the responses to these questions can be used to inform the working group of parental/carers views.
- (6) That the working group be asked to formulate proposals regarding a future City Secondary Admissions process for agreement by Children Families & Schools Committee by January 2007, derived from their considerations and the further deliberations of the Parent Stakeholder Group.
- (7) That it be agreed to continue with the present system for 2007.

66. SACRE ANNUAL REPORT 2004/2005

66.1 The Committee considered the report of the Director of Children Families & Schools relating to the SACRE Annual

Report 2004/2005.

66.2 SACRE is a statutory body whose primary remit it to devise, monitor and implement the agreed syllabus for religious education in all LEA maintained school in Brighton and Hove.

66.3 **RESOLVED** – That the report be noted and that the work of SACRE continues to be supported.

***67. CAPITAL REPORT**

67.1 The Committee considered the report of the Director of Children Families & Schools relating to the capital resources and capital investment programme for 2006/2007.

67.2 The report informed Members of the level of available capital resources allocated to the service for 2006/07.

67.3 **RESOLVED** – (1) That the level of available capital resources totalling £6,755,000 be noted.

(2) That it be noted that a capital bid would be made to the Property Improvement Fund - as set out in Section 3 of the report (see minute book).

68. QUARTER 2 BEST VALUE PERFORMANCE REPORT 2005/06

68.1 The Committee considered the report of the Director of Children Families & Schools relating to the Quarter 2 Best Value Performance Report 2005/06.

68.2 **RESOLVED** – That the extract from the Policy & Resources Committee in connection with the Quarter 2 Best Value Performance Report 2005/06 from the meeting held on the 7th December 2005 be noted.

69. ITEMS TO GO FORWARD TO COUNCIL

69.1 **RESOLVED** – That no items go forward to Council.

The meeting concluded at 7.50 pm

Signed

Chair

Dated this

day of

2006