

By reason of the special circumstances, the Chair of the Committee is of the opinion that this item should be considered at the meeting as a matter of urgency, as the minutes provide confirmation of the decision taken at the Special Meeting held on the 27 February to approve the changes to the school admissions arrangements.

The special circumstances for non-compliance with Council Procedure Rule 19, Access to Information Rule 5 and Section 100B(4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) are that the minutes could not be finalised by the despatch deadline.

BRIGHTON & HOVE CITY COUNCIL

**CHILDREN, FAMILIES AND SCHOOLS COMMITTEE
SPECIAL MEETING**

5.00PM – 27 FEBRUARY 2007

BRIGHTON TOWN HALL

MINUTES

Present: Councillor Hawkes (Chair); Councillors Mrs Brown (OS), Bennett, Mrs. Drake, Hazelgrove, Hyde, John, Mitchell, Norman and Paskins.

NB The meeting has been called pursuant to Procedural Rule 19.1 of the Council's Constitution.

PART ONE

ACTION

45. PROCEDURAL BUSINESS

45A. Declarations of Substitutes

45.1 Councillors Mrs. Drake and Paskins declared that they were attending the meeting as a Substitute Members for Councillors Kemble and Mallender respectively.

45B. Declarations of Interest

45.2 There were no declarations of interest.

45C. Exclusion of Press and Public

45.3 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.

- 45.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any of the items on the agenda.

46. CHAIR'S COMMUNICATIONS

- 46.1 The Chair welcomed everyone to the meeting and noted that the Committee had been asked by the Children & Young Persons Overview & Scrutiny Organisation Committee, (CYPOSC), to reconsider the decisions taken at the last meeting in respect of the School Admissions Review as detailed on page 81 of the agenda papers. She stated that the committee would need to address its consideration and debate to the points raised by CYPOSC in referring the call-in requests make to the committee. She also noted that additional information had been provided in the agenda papers in order to clarify points raised and that she intended to call on the Director of Children's Services to outline the position prior to taking questions and debate.

47. SECONDARY ADMISSIONS REVIEW

- 47.1 The Director of Children's Services stated that he wished to cover three aspects in relation to the Secondary Admissions Review (SAR), the rationale of the system proposed by the Working Group and approved by the Committee, the issues raised through the call-in process and referred back by CYPOSC and the situation should the previous decisions be confirmed or rejected.
- 47.2 He noted that the SAR had been instigated because of the failings of the distance measurement system which had been introduced to address the difficulty of over-subscriptions primarily in Primary Schools. The distance system had also been applied to Secondary Schools and this had led to the recognition that a significant area of the city had become disenfranchised with regard to those parents' ability to send their children to a preferred school. It was therefore agreed that a review of the admissions arrangements should be undertaken.
- 47.3 The working Group and Parent Stakeholder Group had considered the issues and various options before coming forward with proposals in November. The proposed catchment areas for the city were felt to provide more equitable access to schools which could not be achieved through a distance measurement system. It had been noted that a number of other education authorities used catchment areas to establish local connections and it was agreed that these

would be appropriate for Brighton and Hove. To take account of the geographical spread of the schools, two dual catchment areas were identified for Blatchington Mill with Hove Park and Dorothy Stringer with Varndean. It was felt that this would off-set any imbalance caused by one school being more popular than the other, whilst enabling children in that catchment area to be given a place at one or other of the two schools. He noted that a third dual catchment area for Patcham and Falmer had been put forward to the Committee in November to even up the proportion of free school meals (FSM) in each area, but the Committee had asked that this be reconsidered in light of other factors. The proposals put forward in February had provided for either a dual catchment area or two single catchment areas for these two schools, and the committee had voted in favour of the latter.

- 47.4 With regard to the proposed ballot system to address over-subscription of schools, the Director stated that this was felt to be a fairer method than distance measurement. He explained that a ballot would come into effect only if a school was over-subscribed. Under the equal preference system this would almost certainly apply each year to schools in the two dual catchment areas. So, for Blatchington Mill and Hove Park for example, with each having an intake of 300, there were effectively 600 places available for roughly 600 children. Under the equal preference system it was likely that the parents of all 600 children would include both schools in their list of preferences. There could be 400 first preferences for one school and 200 for the other. With the ballot system this would normally result in random allocation to both schools. However, it had been agreed with the DfES that it was permissible for the computer programme to maximise first preferences as part of this process. This would then result in the 200 first preferences for the less popular school being accepted, and of the 400 for the more popular school, 300 would be allocated to that school and the remaining 100 to the less popular school. As long as the number of pupils in a given catchment area equalled or were less than the number of places available, then the arrangements proposed should meet the geographical preferences for the schools, which meant that the principle of local schools for local people could be met. If the total number of pupils was greater than the number of places available in the catchment area, the ballot would allocate the places available. However, at the previous meeting of the Committee a commitment was made, under such circumstances, to negotiate with the schools concerned so that no pupil was forced to attend a school outside their catchment area.
- 47.5 The Director of Children's Services then referred to the issues raised by CYPOSC for further consideration. He noted that the 93% satisfaction rate quoted related to the fact that 93% of children last year were able to attend one of their three listed preferred schools.

It did not necessarily imply satisfaction with the admissions arrangements, as it did not take into account the first preference school or the 'halo' effect and the fact that parents used tactical preferences to get a place at a compromise school. With regard to the level of consultation that had been undertaken, he believed it was the fullest ever seen of its kind. He noted that this fact had been commented on throughout the process and that there was no actual requirement for the education authority to consult directly with parents. The statutory consultation was with the schools and this had been done. Given the establishment of the Parent Stakeholder Group and the Working Group, the overall approach to consultation extended well beyond the level required.

- 47.6 In having regard to the issue of communities being split apart and denied access to local schools, the Director stated that the provision of the dual catchment areas, and the agreement to have single catchment areas for Patcham and Falmer showed that this had been taken into account. The lack of a formal transport impact assessment had been acknowledged, however it was anticipated that approximately 70% of children would attend their nearest school, compared with 40% under the current arrangements. He accepted that some children who currently walked to school may have to use alternative transport methods, but it was likely to be a small number and the transport routes would be easier and clearer.
- 47.7 The question of the validity of the data provided had been raised and the "missing" sixty-six children in the former BN22 area had been highlighted. He acknowledged that there had been a discrepancy caused by the redesignation of the post codes, however this had been corrected and did not affect the overall recommendations. He noted that census data had been included with the agenda papers and that this had been accounted for in the School Organisation Plan. He also noted that the figures for year 5 showed an increase of 139 children from the previous year rather than the 37 that had been predicted using live birth data. This was something that could not have been foreseen and meant that whatever admissions arrangements were in place for 2008, with schools already operating at near capacity, additional places would need to be provided.
- 47.8 In looking at the issue of sibling links, the Director stated that there was a likelihood that this would work in favour of a net increase in the numbers for popular schools rather than a net decrease. However, this could not be taken for granted, and would not be known until the preferences were submitted. He explained that the number of possible siblings had been included for in the calculations, referring to two tables of figures in the supplementary paper.

- 47.9 The Director then referred to the objection that the single catchment area for Falmer was not diverse enough in terms of social mix. He noted that the anticipated proportion of children entitled to Free School Meals (FSM) in 2008 was 36%. This compared with the school's current year 7 where it was 34.5%, with children being directed to Falmer under the current admissions arrangements. He stated that the current year's intake was performing well and that a slight projected increase in 2008 was unlikely to have a significant effect on this. There was no automatic link between children with learning difficulties or behavioural problems and FSM. He also noted that the Headteacher at Falmer had rebutted critics who predicted the school would fail under the new system. The desire for equity in terms of FSM in all schools was something he believed everyone would prefer; however, given the geography of the schools, without the introduction of a complicated banding system it would not be achievable.
- 47.10 The Director noted that the situation with Longhill was similar in that the revised arrangements would result in the majority of the BN25 post code attending the school and the level of FSM would therefore rise. However, the percentage of FSM would still be significantly lower than at Falmer and he was confident that once a permanent Headteacher was appointed the school would continue to make good progress.
- 47.11 In regard to the issue of over-subscription, particularly in relation to Dorothy Stringer and Varndean, the Director stated that as the Admissions Authority, the council had to use the formula provided by the Government for calculating the capacity of a school. In this respect, it was felt likely that Dorothy Stringer School had a potential to take more children. In addition, discussions had been held with the Headteacher of Varndean School with a view to providing additional buildings on site for the 2008 intake, which would allow it to raise its intake from 240 to 300. He noted that the Headteacher had agreed to the publication of a higher admission number of 300, subject to the necessary building works being completed.
- 47.12 The Director then referred to the closure of COMART and the possible provision of a new school in the city. He stated that the closure of COMART had not been an easy decision but was one that in the end had to be taken. The school had lost the support of its community and become unviable. As for the question of a new school, he believed that this was an issue which required further consideration and analysis, but that it should be separate from the admissions review. The current School Organisation Plan would be reviewed and revised over the next year. The council was also not in a position to fund any new development and would not be in line to access government funding until 2015/16 under the Building Schools for the

future programme.

- 47.13 The Director noted that the question of Foundation Status had been raised in respect of some schools, which would then have responsibility for their own admissions arrangements. While this was certainly possible, any school obtaining foundation status would still need to work with the Education Authority over its admissions arrangements, which would need to be seen to be as fair or fairer than those of the Authority.
- 47.14 With regard to the decision before the committee at its present meeting, the Director stated that should the decisions of the 2nd February be confirmed, then the admissions arrangements as put forward by the Working group and amended at the meeting would be implemented. The proposed building works at Varndean would be taken forward. Officers would also review the situation at other schools to see if there was a need for additional provision to be made. There would then be a review of the catchment areas for 2009, as it was recognised that not all the boundaries may be appropriate yet. The intention was to enable catchment areas to 'catch' and it was already known there would be fewer children in the Patcham catchment area in 2008 than places available in the school. If the committee decided not to confirm the decisions, the current arrangements would remain in operation together with equal preference. There would still be a need to provide additional places at Varndean and there would need to be a review in 2009 of the situation.
- 47.15 Finally, the Director drew the committee's attention to how the operation of a distance measurement combined with the required equal preference criteria would allocate places throughout the city. He referred to a map of the city which showed the spread of children seeking places in 2008. The map clearly showed how the 'halo' effect would be even more marked around the popular schools, leading to a dramatic expansion of the areas of the city with no access to their nearest school. He acknowledged that the proposed arrangements put forward by the Working Group were not perfect and that there was likely to be a need to revise the catchment boundaries, but having considered the proposals both in November and at the last meeting, the committee had taken on board a number of points and accepted the need for change. He was aware there had been differences of opinion, both at the Working Group, on the committee and amongst parents; hence the proposal for a review of the catchment area boundaries for 2009, but on balance he would recommend that the proposed arrangements should be confirmed.
- 47.16 The Chair thanked the Director for his outline of the matter before the

committee.

- 47.17 Councillor Mrs. Drake queried whether tactical preferences could have an affect if the equal preference criteria were being applied.
- 47.18 The Director stated that whilst the three preferences listed by parents would be treated equally, they were still asked to rank them in preferred order and therefore could still list their choices tactically.
- 47.19 Councillor Mrs. Brown queried whether there was a need to consult on the additional sixty places that would be made available at Varndean, and how this would be achieved bearing in mind the timetable for consultation. She also queried whether the required building works would be completed in time for the 2008 intake and how these would be affected by the existing PFI Agreement.
- 47.20 The Head of Admissions and Transport stated that consultations had been held with the Headteacher and he had confirmed that he was happy for the figure of 300 places to be published.
- 47.21 The Assistant Director, Schools stated that discussions had been held with the respective officers and it was hoped that the building works could be completed in time. If not, then temporary accommodation would be provided as was the usual practice. An agreement had been sought with the PFI contractor to enable the land in question to be released to the council to enable the building works to be undertaken before being re-incorporated into the PFI Agreement.
- 47.22 Councillor Paskins asked for confirmation that the intention was to enable all those children in the Dorothy Stringer and Varndean catchment area to be able to attend one of the two schools and therefore additional classes/buildings would be provided.
- 47.23 The Director of Children's Services confirmed that it was the Education Authority's intention, hence the discussions over the additional building works at Varndean.
- 47.24 The Chair noted that there were no more questions for the Director and opened the matter for debate.
- 47.25 Councillor Hazelgrove stated that he wished to thank the Assistant Director and those officers involved in the review process for all their work. The matter had now been considered by the committee on three occasions and had been through a comprehensive consultation process. The Working Group had worked throughout to achieve a greater equity for parents and he believed its members had collectively supported the proposals put forward. He therefore felt that it was only right to stand by the decision reached previously.

- 47.26 Councillor Paskins stated that she believed it was not an easy decision, the current admissions policy was unfair and discriminated against a large area of the city and this situation would be exacerbated if the distance measurement was retained with the required equal preference system. She stated that ideally all children would be able to attend their preferred school, but had to accept this was not possible and therefore the proposals put by the Working Group and strengthened by the additions at the last meeting should be supported. She believed that a further review in 2009 would be helpful and suggested that a similar Working Group be established to feed into that review, as the current one had proved to be very informative and beneficial to the process.
- 47.27 Councillor John thanked the Director for his clarification of the situation and noted that it appeared the delay in reaching a decision had meant that the matter had become more divisive, which she felt was a pity. The review process had begun with recognition that the current admissions system was unfair and needed to be revised, in order to benefit the city as a whole. She noted that the new system was likely to reduce travel journeys, albeit that a small number of children would have to use transport rather than walk to school. However, she also noted that there was no such similar outcry following the closure of COMART and the fact that a lot of children had to take longer journeys to various schools across the city. She believed that the question over the need for a new secondary school should be looked at, but that this had to be separate from the admissions review. The recent demographic information showed the potential need for more primary schools but not necessarily a new secondary. The intention to review the catchment areas for 2009 was a welcome approach and she hoped it would enable minor changes to be incorporated. However, there was a need to address the remit of the review and she believed that this could only be achieved by confirming the decisions reached by the committee at its last meeting.
- 47.28 Councillor Mrs. Brown stated that she believed there was a need for further consideration of the issue and therefore a delay to any changes. There had been questions raised with regard to the number of children in the BN22 area, whether the proposed catchment areas met social justice criteria or actually made it worse, and whether they were right. She noted that arguments had been made to extend Falmer into the Hanover area, Portslade further south for example. She was uncertain as to whether the likely over-subscriptions for the dual catchment areas would be dealt with adequately and concerns had to be held in respect of the PFI agreement and the proposed building works at Varndean. She also noted that 4 out of the 8 Secondary Headteachers had openly mentioned the option of Foundation status as a result of the

proposals and felt that to take any proposals forward their support was essential. With this in mind and in light of the numerous concerns raised by members of the Parent Stakeholder Group, the Secondary Admissions Review Group and parents, she wished to propose an amendment to the resolutions passed at the last meeting, which would see them deleted and replaced by the following:

1. That the equal preference system be introduced for the 2008 secondary admissions;
2. That the existing distance criterion to determine the allocation of places for 2008 where there is over-subscription be retained;
3. That the sibling link for 2008 be retained;
4. That the impact of the equal preference system with the distance criterion be reviewed in the Summer of 2008;
5. That further changes to secondary admissions in light of the 2008 data be determined; and
6. That any necessary building work for the 2008 intake be taken forward with regular reports back to the relevant Committee Members to monitor progress be agreed.

47.29 Councillor Norman stated that he wished to formally second the amendment.

47.30 The Chair noted the proposed amendment and stated that she would adjourn the meeting for a period of five minutes to enable Members to consider the implications of the amendment and to enable copies to be provided to those in the public gallery. The Chair then adjourned the meeting at 6.25pm.

47.31 The Chair reconvened the meeting at 6.30pm and sought views on the amendment.

47.32 Councillor Hyde stated that she supported the amendment as it would enable further consultation and matters of concern to be addressed fully. She noted that many parents had not been aware of the review and argued that the social balance had not been achieved. She believed that parents' choice in certain areas was being limited with only having Falmer and Longhill as their possible school. She also stated that the over-subscription for Varndean and Dorothy Stringer would result in numbers of children having to travel across the city and thereby dividing the local community. She therefore hoped that the amendment would be supported.

- 47.33 Councillor John stated that she could not support the amendment as it would reinforce the 'golden halo' effect and limit the number of people able to qualify for the various schools. She also queried whether a review in the Summer of 2008 would effectively mean a delay in any changes to the admissions arrangements until 2010.
- 47.34 The Director of Children's Services confirmed that the proposed review in the Summer of 2008 would delay changes until the Autumn of 2010.
- 47.35 Councillor Norman stated that he believed the Working Group had not been able to fully complete its deliberations because of time constraints and that whilst there was a general agreement, some issues needed further consideration. He believed that the proposed amendment would provide that additional time and therefore asked the committee to support the amendment.
- 47.36 Councillor Mrs. Drake stated that she had appreciated the work of the Working Group and the clarification given at the meeting by the Director. Having listened to the various points raised she felt that concern had to be expressed as to whether the building works at Varndean and recruitment of staff could be achieved by September 2008. She questioned whether the proposals would enable children living in certain areas with special needs access to the appropriate schools, as they would only have one choice. She therefore supported the proposed amendment.
- 47.37 Councillor Bennett stated that she was concerned that the proposed arrangements would not meet the needs of parents and questioned the fairness of the ballot system for over-subscription. She felt that the most important criteria had to be the ability to walk to school and noted that the outcome of a ballot could result in children living next to Blatchington Mill not being able to attend and having to travel elsewhere. She believed that the distance measurement should be kept and therefore supported the proposed amendment.
- 47.38 Councillor Hazelgrove stated that having served on the Working Group he could not support a delay until 2010, he believed it would simply put aside the comprehensive consultation process that had been undertaken and deny equity to a greater number of people.
- 47.39 Councillor Paskins stated that the Committee had previously accepted the Working Group's proposals for catchment areas and these needed to be maintained. She accepted that they may not be quite right at this point in time, but noted that they would be reviewed in 2009 should the committee's resolutions be confirmed. She questioned the logic of retaining the distance measurement when its inequity had been the cause of the actual review process,

and therefore would not support the proposed amendment.

- 47.40 The Chair noted the comments and that with regard to the amendment the following points would be implemented should the committee's resolutions be confirmed i.e. the equal preference system would operate and the sibling link would be kept. However, an amendment had been moved and seconded and therefore she put the amendment to the vote.
- 47.41 The proposed amendment was lost by 6 votes to 5, with the Chair having used her casting vote.
- 47.42 The Chair noted that the amendment had been lost and therefore noted that the committee should consider whether or not to confirm the resolutions passed at its meeting on the 2 February 2007 as detailed on page 81 of the agenda papers.
- 47.43 Following a request for a recorded vote in accordance with procedural rule 28.2, the eleven resolutions as listed below were put to the committee for confirmation:
- (1) That the fixed catchment areas for the Brighton & Hove's Secondary Admissions process for children starting secondary school in September 2008 as detailed in the report be adopted;
 - (2) That the boundaries of the catchment areas for the secondary schools admissions in September 2008, subject to further statutory consultation with the relevant governing bodies, be agreed in principle in accordance with Option 2, as detailed in appendices II and III to the report;
 - (3) That in the event that Falmer School becomes an academy, its catchment area be reviewed;
 - (4) That the change in the application of the sibling link to only apply within the designated catchment areas with effect from September 2013 as detailed in the report be agreed;
 - (5) That the adoption of an equal preference system by Brighton & Hove as part of the oversubscription criteria from September 2008 be agreed;
 - (6) That the use of an electronic ballot system in the event of oversubscription within the catchment areas, rather than distance measurement be agreed;
 - (7) That in the event of oversubscription from outside of the approved catchment areas the use of a subsequent ballot be agreed;
 - (8) That it be agreed that in the event of a ballot being required,

- twins and other same age sibling combinations would be treated as a single ballot entry should their parents or carers wish it;
- (9) That the CYPT will negotiate with secondary schools annually to ensure that oversubscription within any catchment area is addressed by the addition of extra places for that year, rather than necessitate local students having to leave their identified catchment area;
- (10) That it be agreed that the new schools admission system be kept under review so that if necessary the catchment area boundaries could be adjusted after the first year of operation, in light of the pattern of preference and allocations in that year; and
- (11) That as recommended by the Working Group, a review of the whole secondary schools admissions system in 2012 be approved.

Councillor	For	Against	Abstain
Hawkes	x		
Mrs. Brown		x	
Bennett		x	
Mrs. Drake		x	
Hazelgrove	x		
Hyde		x	
John	x		
Mitchell	x		
Norman		x	
Paskins	x		
Total	5	5	0
Chair's casting vote (Cllr Hawkes)	x		
Total	6	5	0

47.44 **RESOLVED** - That the resolutions as approved by the committee on the 2 February 2007 and detailed above at 47. be confirmed.

Note: That the above resolution was passed by 6 votes to 5, the

Chair having used her casting vote in favour of the confirmation.

48. ITEMS TO GO FORWARD TO COUNCIL

- 48.1 **RESOLVED** - That the above item not be referred to Council for information.

The meeting concluded at 7.10pm

Signed

Chair

Dated this

day of

2007

