

Brighton & Hove City Council

For general release

Meeting: Children, Families and Schools Sub-Committee

Date: Monday 6 September 2004

Report of: Director of Children, Families and Schools

Subject: Montessori School: application to become a Voluntary Aided School

Wards affected: All wards

1. Purpose of the report

- 1.1 To provide Members with the most recent information on the progress of the Montessori School's application to join the maintained sector as a voluntary aided school.
- 1.2 To set out the implications of the proposed site for the existing primary schools.
- 1.3 To set out the issues surrounding the proposed admissions criteria for the Montessori School.
- 1.4 To enable Members to determine whether the proposal meets the criteria set out in the report of 3 March 2003 and therefore should command the support of the Council.

2. Recommendations

- 2.1 That Members reiterate their support in principle for educational diversity.
- 2.2 That Members authorise officers to continue discussions with the promoters of the Montessori School on acceptable admissions criteria and reserve the right to object to the proposal if no resolution acceptable to the council can be found.
- 2.3 That Members reserve the right to object to the proposal on the Westdene site, on the grounds of its impact on pupil numbers in adjacent schools.
- 2.4 That Members note the financial implications set out in the Appendix and the adverse effect on the Council's budget and the budgets of other schools.

3. Information/Background

The Sub-Committee held in March 2003 gave qualified support to the Montessori School promoters. The criteria which the proposal would need to meet, to gain the support of the Council, were set out in the body of the report. Specifically, the Council required that

- there would be no additional financial implications to the addition of a new voluntary aided school to the maintained system,
- that there would be no adverse effect on pupil numbers in neighbouring schools
- and that the admissions criteria would be compatible with the inclusion and equalities principles of the LEA and the Code of Practice on Admissions.

3.1 Council officers attended a meeting with the promoters and DfES officials, following the Sub-Committee's expression of qualified approval, to map out the next steps. The promoters had to identify a site, construct a bid to the DfES Targeted Capital Fund and submit the bid, via the Council, by 31 October 2003.

3.2 The promoters informed council officers during the summer of 2003 that they had identified a redundant church as a site. Officers' response was to indicate that the building was inherently unsuitable for conversion to a school. A principal concern for the council was the potential running and maintenance costs of such a building, which would impact adversely on the council's maintenance and capital programme for all schools if the Montessori School were to be established in such a building.

3.3 The bid which was submitted in October 2003 named the redundant church site. On 12 February 2004, the promoters were notified that they had been successful in their bid. However, a site meeting was convened to discuss the suitability or otherwise of the redundant church, which was at that time, still to be marketed. At that meeting, certain shortfalls in the bid were identified by the DfES architectural advisers and site inspection indicated that the costs of conversion had been significantly underestimated.

3.4 DfES officials subsequently informed the promoters that a development on the church site would not give value for money and would not be supported. The promoters were given time to find another site and granted a stay on the publication of statutory notices. These should have been published by 31 May 2004; they must now be published by 30 September 2004.

3.5 The promoters sought other sites. They considered a site at Five Ways but it was clearly unsuitable for a school development. Late in June, they informed a council officer that they had found a site. They initially indicated that they did not want at that stage to identify the site but later named it as the land in Redhill Close, Westdene. The promoters published a consultation document on 1 July 2004. This contained detail on the proposal which included the proposed admissions criteria. Council officers expressed their concerns over the criteria and raised these with the promoters and with DfES officials.

- 3.6 Officers expressed concern at the proposed location because of its proximity to existing primary schools and the existence of surplus places on the northern and eastern outer parts of the city. A meeting was arranged with DfES officials and the promoters to discuss the council's reservations. This meeting took place on 8 July 2004. A map showing the proposed location and the primary schools to which the report refers will be displayed at the Committee meeting.
- 3.7 The DfES officials were not from the admissions team and following some discussion, it was agreed that the promoters would discuss further with council officers the admissions criteria. The promoters propose to give priority for admission to those already in the Montessori School and to those who have attended the Montessori nursery. Entry on the basis of having attended a nursery at a school is specifically discouraged by the Code of Practice on Admissions although it is technically within the law. It is not a permitted criterion within Brighton and Hove Primary Schools with nurseries. The Council's concern is that these criteria would discriminate against incomers and late arrivals in the city who are disproportionately likely to be from vulnerable groups. It would also discriminate against travellers.
- 3.8 At the same meeting, DfES officials considered the officers' reasons for believing that a site in Westdene would impact on local primary schools, especially Westdene Primary School. The promoters believe that they will draw children from all over the city whose parents believe in the Montessori approach to education and that it will not be, in effect, a local primary school. Officers of the council take the view that a school, which has to deliver the national curriculum, in close proximity to home, will be a draw to local parents. They would not be discouraged by the Montessori approach. The additional capacity could affect Westdene Primary School and Patcham Infants School, with a knock on effect to other schools in the area. Appendix 1 sets out the current position on pupil numbers in maintained primary schools. It also shows GP registrations by academic year of birth as a basis for predicting the size of primary cohorts and the parts of the city where there is pressure on primary places.
- 3.9 The views of the promoters and the council officers are in conflict and each is a projection. The council has a statutory duty to secure the supply of school places in an efficient manner. Each year, the Secretary of State publishes a list of those schools with 25% or more surplus places. There are seven in Brighton of which five are primary. On known figures for live births and children entering the maintained system, Brighton and Hove is experiencing a falling school population and will need to take steps to eliminate surplus places.
- 3.10 The qualified support for the Montessori promoters was linked to the current location of the independent school (in Stanford Avenue) and the understanding that it is located in an area where there is pressure on primary places. It would add appropriately to capacity as well as diversity in that area. Members will recognise that the promoters have sought and failed to find, a suitable site in the area. The avoidance of turbulence and waste in the existing system is not the promoters specific concern but is an issue for the council in lending support to the current proposal.

4. Consultation

- 4.1 Officers of the council have maintained a dialogue with the promoters of the Montessori School.
- 4.2 It is the duty of the promoters of a new school to consult with all interested parties. The consultation document published by the promoters is a formative consultation document. They will publish statutory notices on 30 September 2004 and a six week period of formal public consultation will follow. When they have commented on any objections or responses they have received, the matter will be remitted to the School Organisation Committee for decision.

Committee Report Appendix

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Wards affected	All

Financial implications

The Montessori School currently has 45 pupils which would be transferred from the independent to the maintained sector under this proposal.

Any net increase in pupil numbers would cause the Schools FSS (SFSS) to rise and therefore our schools passport would rise accordingly increasing the spending commitment on the council. However, no additional general grant funding would come to the council, unless there was an adjustment to our grant floor. Thus other services in the council would have to be cut, or the council tax would rise to meet the increase in the passport. This assumes that the school would transfer on 1 April 2005, if it is not until 1 April 2006 then the overall financial impact on the council will be different as SFSS funding will transfer to ring-fenced specific grant.

The key issue is timing particularly as there is a significant timing delay in new data feeding into the grant distribution system. Pupil numbers used in the 2004/05 formula were based on pupil counts in January 2003. Therefore there is no possibility of Montessori affecting the 2005/06 passporting calculation as that is based on pupil counts in January 2004.

If Montessori is not transferred until September 2006 then the first financial impact year is 2006/07. This is the first year of ring-fenced specific grant funding for schools, and as yet we don't know exactly what arrangements will be in place. Assuming they are similar to the current grant system then there will be no additional specific grant funding for the LEA for any transferring pupils until 2008/09 (based on the January 2007 pupil count).

Thus other schools will effectively fund Montessori for 2006/07 (part year) and 2007/08 i.e. for the 45 pupils it currently has and any new pupils it attracts. This would lead to an increase in Formula Spending Share of approximately £3k per pupil i.e. £135k. Indicative modelling suggests that the school would get a budget share of approximately £400k. This would mean that approximately £265k of the indicative budget for the Montessori school, would come from elsewhere in the Schools Budget, unless the additional pupils came from elsewhere in the Independent sector.

Finance Officer consulted: ..Andy Moore Date ..24/08/04

Legal implications

1. The report indicates that the Council, as local education authority, has a duty to secure the supply of school places in an efficient manner and Members need to have regard to that duty in reaching a decision as to whether to support or oppose the proposal.

2. If they decide to proceed after the current period of consultation, the proposers will have to publish a formal notice of their intention to provide a new school on their chosen site. After a set period, if there are any unwithdrawn objections, the proposers must forward their proposal to the School Organisation Committee (SOC) for decision.

3. The SOC is an independent Committee comprising various groups interested in education. Each group has one vote. Substantive decisions of the SOC have to be unanimous, although abstentions are disregarded.

4. If the SOC is unable to reach a unanimous decision on the proposal, it is referred for decision to an Adjudicator appointed by the Secretary of State.

Lawyer consulted: John Heys Date15th July 2004

Corporate/Citywide implications

There will be an impact on the Corporate budget if this proposal is approved.

Risk assessment

While increasing diversity in the school system this proposal would create further surplus primary places making the system less efficient. It will also take resources from existing schools.

Sustainability implications

The site proposed for the construction of the school is currently open space for leisure use.

Equalities implications

This proposed school would enable the children of parents who wish them to attend a Montessori School but cannot afford fees, to attend. It will, however, shift resources from other schools to provide free education to families hitherto willing to pay.

Implications for the prevention of crime and disorder

There are no specific implications.

Background papers [Part 1 reports only]

None

Contact Officer

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