

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 17

Brighton & Hove City Council

Subject:	The Potential Impact of Independent School Closures on City Schools		
Date of Meeting:	16th September 2009		
Report of:	The Director of Children's Services		
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Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 At its meeting on 16th June the Committee asked for a report outlining the potential effect of independent school closures on City schools and on the demand for school places. It also asked for information on the Council's ability to acquire redundant independent school premises, and the need for an additional secondary school.
- 1.2 The Council has a responsibility to provide school places and to plan for future demand for both primary and secondary schools. It must also maintain premises to acceptable standards and develop them to meet the needs of education in the 21st century. The Council has secured funding from the national Primary Capital Programme (PCP) initiative up to 2011 and is seeking to secure funding over a 14 year period totalling £40 million. It is also seeking to bring forward its participation in the Building Schools for the Future (BSF) initiative for secondary schools. If successful the latter could provide capital of around £150 million over two phases of secondary school development.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes that the Council does not have the legal powers to take over redundant independent school premises.
- 2.2 That the Committee notes that current planning for secondary school places through Building Schools for the Future (BSF) does not include a requirement for a new secondary school.
- 2.3 That the Committee determines whether it should take any further action with regard to possible independent school closures.

- 2.4 That the Committee notes that currently there is no evidence of demand for school places arising from independent school closures.

3. RELEVANT BACKGROUND INFORMATION

- 3.1 To date the School Admissions Team has not identified any measurable increase in the number of school applications received from the parents of pupils leaving independent schools which have closed, or because they can no longer afford the fees. At the Reception admission exercise the proportion of children seeking a maintained school place for September 2009 is at the expected level for the size of the GP registered cohort (see Appendix 1) at 88.2%. The total allocated a secondary school place at the time of writing is 2,346 which compares with a Year 6 census figure of 2345. Allowing for a number of pupils attending Brighton & Hove Schools from outside the City boundary (90) and Brighton & Hove children moving to maintained secondary schools outside the City (30) this represents an overall reduction of Brighton & Hove children between year 6 and year 7 of 59. This will include some pupils moving from the area and some moving into the independent sector.
- 3.2 In the course of the recent acquisition of St. Mary's Hall School by Roedean School the School Admissions Team received 6 enquiries from St Mary's Hall parents about places in maintained schools. As the team has not in previous years maintained records on enquiries from parents with children in independent schools it is not clear as to whether this is more or less than usual. However, the team is not of the view that overall such enquiries have increased. Every year a proportion of children leave the independent sector for a maintained school place, and there is also some movement in the other direction. The School Admissions Team will monitor applications at the main admissions exercises and for established year groups for any change in the numbers of applications from the independent sector.
- 3.3 The CYPT has not been in direct discussions with independent schools in the City about changes which have taken place to date. However the CYPT does have a good relationship with independent schools in the City and would expect to be informed of any future difficulties. With regard to the factoring in of a need for additional places based on a reduction in independent school places and pupil numbers, there is no evidence to date of such a need. It is not possible to quantify *possible* pressures arising from children moving from the independent sector as there are too many variables, such as which schools, which age group, and whether parents would actually seek alternative independent places. If a measurable and significant increase in demand for places for pupils from the independent sector arose then the CYPT would draw up plans on how to manage that demand. However, until such a need can be identified then the CYPT will continue with its current planning for primary and secondary places. A paper will go to the Cabinet Member Meeting in October outlining options for increasing primary school places, whilst secondary school development options will be determined through the BSF process following a paper to Cabinet on the Council's readiness to deliver a BSF project.

- 3.4 The Council's legal services team has advised the CYPT that the Council has no powers to compel independent schools to bring unused school buildings back into use. Nor does it have powers to bring failed or failing independent schools within Council control or acquire their premises. The Council is not able to bring about any legal changes or challenges to allow such action, which would require changes to primary legislation. The LEA only has a general duty to secure that there are sufficient schools for primary and secondary education in its area (section 14 of the Education Act 1996), and has the power to establish new schools to enable them to fulfil this duty.
- 3.5 Independent schools could of their own volition seek to acquire maintained school status. If the CYPT were to consider such a request it would need to ensure that it was not exposing itself to financial or other risk. Such risk could arise from the condition of the premises or their suitability for providing the national curriculum for maintained school class sizes. The CYPT would also need to be satisfied that taking on such a school was necessary in the context of school places needed, their location, the ethos of the school and the accessibility of places to the wider community. At the same time the impact on applications for existing maintained schools would need to be quantified.
- 3.6 More significantly changes in capital strategy could have a detrimental effect on the CYPT's BSF and PCP bids (see 1.2 above). The Building Schools for the Future programme is a Government programme designed to rebuild, remodel or refurbish all secondary schools in England in due course. The BSF strategy, which is at an advanced stage, is predicated on the improvement and in some cases enlargement of existing secondary schools, not the building of a new school. This is in line with school population forecasts developed for the BSF proposals. Whilst some growth in the number of places required is forecast, particularly in Hove, there is no indication that a new secondary school is needed to meet the demand for places.
- 3.7 The BSF strategy has been developed through close working over a long period between officers and secondary school headteachers. Whilst the number of school places it provides is a key outcome, the planning has been much wider, incorporating linkages with primary, special and FE provision. It has been used as an opportunity to develop a vision which is not based simply on the need to provide new or upgraded buildings, but to re-thinking what education should look like in Brighton & Hove in the 21st century. Through its revised bid the Council is seeking to be brought forward in the BSF programme. Any changes at this late stage would affect its readiness to deliver on its proposals, a key factor in the DCSF's evaluation of the bid.
- 3.8 In Brighton a planned increase in capacity at Longhill School from 1200 to 1350 will take effect from 2010 and provide 30 additional places for each admission year for East Brighton, increasing capacity by 150. This project is outside the BSF plan and is scheduled to start in 2009.
- 3.9 Planning for BSF anticipates secondary school 11-16 roll numbers in the city increasing from a total of 11,270 in 2008/9 to 12,075 by 2018/19. The expected

capacity for this age range by 2018/19 arising from planned BSF build is 12,850. This allows spare capacity of just over 6%.

4. CONSULTATION

- 4.1 The BSF and PCP initiatives have included extensive and continuing consultation with a range of stakeholders including headteachers, governors, Colleges, and City Council Departments with an interest in the legal, planning and design implications. Initial parental consultation on BSF is planned for early autumn 2009, and will be followed by wider parental and public consultation on specific school proposals.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Council is at an advanced stage in re-submitting its bid to the DCSF for earlier access to Building Schools for the Future funding. The bid is based upon developing a model for secondary education that the City wishes to adopt to provide high quality education geared towards 21st Century needs. This includes analysis of increasing pupil numbers and where the demand for places is likely to be. It does not include a new school in the East Brighton area, nor does it anticipate a sufficient growth in demand in that area to require one. To change the bid at this stage to include an East Brighton secondary school would mean setting aside the evidence prepared to support the bid. It would also set the bid back to the point where access to capital funding potentially in the region of £150 million could be severely jeopardised.

In terms of revenue funding the local authority receives a Dedicated Schools Grant (DSG) on an annual basis from central government. The DSG is based on the number of pupils in mainstream schools within the local authority and consequently, if the closure of independent schools led to a rise in the pupil population in the maintained sector there would be an increase in DSG funding.

Finance Officer Consulted: Paul Brinkhurst

Date: 12th August 2009

Legal Implications:

- 5.2 The Council does not have the power to bring failed or failing privately run schools under Council control. The Council has a general duty to secure that there are sufficient schools for primary and secondary education in its area (section 14 of the Education Act 1996), and the power to establish new schools to enable them to fulfil this duty. In order to take forward its BSF proposals the Council will need to operate within DCSF guidance in the way it operates its building and development programme.

Lawyer Consulted: Serena Kynaston

Date: 6th August 2009

Equalities Implications:

- 5.3 Planning and provision of school places must be conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The city council and voluntary aided school governing bodies must be mindful of bad practice as described in the Admission Code of Practice.

Sustainability Implications:

- 5.4 BSF and PCP funding would give the authority the opportunity to make a considerable element of school stock more environmentally sustainable. All new extensions to Brighton and Hove Schools utilise, where ever possible, environmental and sustainable principles such as higher than minimum insulation levels, the use of efficient gas condensing boilers, under floor heating, solar shading and natural ventilation. Materials are sourced from sustainable sources where ever possible.

Crime & Disorder Implications:

- 5.5 It is anticipated that by including the community in the consultation process on the development and use of the facilities at schools that crime and disorder in the local area will be reduced. This will be further improved by offering extended use of the facilities to the community outside of the school day

Risk and Opportunity Management Implications:

- 5.6 The BSF and PCP programmes provide the Council with the opportunity to make a step change in the provision of education and the condition of its school stock. In order to minimise risk arising from unpredicted increases in pupil numbers the Council should maintain regular communication with local independent schools. If the Council was to consider a local independent school taking on maintained status it would need to be satisfied that it was not exposing itself to financial or other risk by comparison with other options to increase school places.

Corporate / Citywide Implications:

- 5.7 The combined funding available under BSF and PCP programmes will enable the authority to make significant improvements to the standard of education within the city, to contribute to the local economy by improving skill levels for school leavers, to reduce the number of young people who become NEET, and to further enhance integration of services to support children, young people, families and the wider community.

SUPPORTING DOCUMENTATION

Appendices: Appendix 1 - Proportions of GP registered pupils in mainstream schools.

Documents in Members' Rooms: None

Background Documents: None

Appendix 1 – Proportions of GP registered pupils in mainstream schools

Birth Year	GP Data Total for B&H	Jan 09 School Census Total (or forecast from 09/05- 08/06)	% in school (or forecast from 09/05- 08/06)	Current School Year
09/99 – 08/00	2543	2244	88.2	5
09/00 – 08/01	2660	2351	88.4	4
09/01 – 08/02	2607	2327	89.2	3
09/02 – 08/03	2734	2394	87.5	2
09/03 – 08/04	2828	2450	86.6	1
09/04 – 08/05	2858	2521*	88.2*	R
09/05 – 08/06	2905	2556	88	-
09/06 – 08/07	3163	2783	88	-
09/07 – 08/08	3181	2799	88	-

* Not census but number allocated a school Reception place by July 2009.

CYPT planning for school places is based on data from a variety of sources including GP registration data as an indication of potential pupil numbers. It also uses current school census data and birth data. Any increase in demand for places is analysed through looking by potential academic year groups at the proportion of the GP registered cohort likely to attend a maintained school. The proportion of GP registered pupils seeking a mainstream maintained school is in the region of 88% of the total GP registered child population. Appendix 1 illustrates by this showing comparisons between GP registration data and school census data for recent intakes. There is a range of 2.6% although the average over the birth period 09/99 to 08/05 is 88.02%.