

<b>Subject:</b>	<b>School Admission Arrangements 2023-24</b>		
<b>Date of Meeting:</b>	<b>8 November 2021</b>		
<b>Report of:</b>	<b>Executive Director for Families, Children &amp; Learning</b>		
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

Note: 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 updated data on pupil forecasts were received on 28 October 2020 and it was considered vital to provide the most up to date figures for the report, prior to consideration of the recommendations. In addition, the school half term break precluded the conclusion of discussions with schools prior to the publication of proposals for a public consultation.

**1. PURPOSE OF 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 2023-24 and provides an indication of current thinking about how the arrangements will need to be shaped for the next few years.
- 1.2 When changes are proposed to admission arrangements, all admission authorities must consult on those arrangements that will apply. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period.
- 1.3 The committee will, in this paper, be asked to approve a consultation based on the proposals being suggested and will then receive a further report in January 2022 seeking their determination of those arrangements for 2023-24 only.
- 1.4 Local Authorities must also set out schemes for co-ordinated admissions, including key dates in the admission process, and also the arrangements for consultation with own admission authority schools in the city and with other local authorities. They also establish the area (the "relevant area") within which the admission consultation should take place.

**2. RECOMMENDATIONS:**

- 2.1 The committee agree to make no changes to the council's admission arrangements (other than those listed below) or school catchment areas (where applicable).

- 2.2 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Bevendean Primary School from 60 to 45 pupils.
- 2.3 That the Committee agree to consult upon a change to the PAN of Carden Primary School from 60 to 30 pupils.
- 2.4 That the Committee agree to consult upon a change to the PAN of Coldean Primary School from 60 to 45 pupils.
- 2.5 That the Committee agree to consult upon a change to the PAN of Queens Park Primary School from 60 to 30 pupils.
- 2.6 That the Committee agree to consult upon a change to the PAN of Rudyard Kipling Primary School from 60 to 45 pupils
- 2.7 That the Committee agree to consult upon a change to the PAN of Saltdean Primary School from 90 to 60 pupils.
- 2.8 That the Committee agree to consult upon a change to the PAN of Woodingdean Primary School from 60 to 45 pupils.
- 2.9 That the Committee agree to make no changes to the “relevant area”.
- 2.10 That the Committee note the expectation that in the next 3-5 years proposals to consult upon a change to the Published Admission Number (PAN) of more schools will be required alongside the possible closure of some primary schools in the city. To best ensure schools are best placed to face this future increasing focus will be placed upon developing more and larger collaborations between schools which it is hoped will provide greater resilience to the challenges that will follow.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Under section 14 of the Education Act 1996 Local Authorities (LAs) have a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas. The Department for Education (DfE) expects LAs to manage the school estate efficiently and to reduce or find alternative uses for surplus capacity (for example, increasing the provision of early education and childcare) to avoid detriment to schools’ educational offer or financial position. LAs are encouraged to consider all options for the reutilisation of space including via remodelling, amalgamations, or closure where this would be the best course of action.
- 3.2 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. These include 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 such as governing bodies within the relevant area and any adjoining neighbouring local authorities.

- 3.3 Consultation and determination of admission arrangements takes place approximately 18 months in advance of the academic year to which they apply. For the academic year 2023-24 the consultation process must take place between 1 October 2021 and 31 January 2022 and last for a minimum of 6 weeks. It is proposed to start the consultation on 15 November 2021 and for it to run for 7 weeks concluding on 2 January 2022.
- 3.4 Following the consultation exercise the Council must determine its admission arrangements by 28 February 2022 to conform to the requirements of the School Admissions Code. The relevant papers for the 2023-24 admission year for the City of Brighton & Hove are attached as appendices to this report.
- 3.5 LAs must also set out schemes for co-ordinated admissions, including key dates in the admission process, and also the arrangements for consultation with own admission authority schools in the city and with other local authorities. They also establish the area (the “relevant area”) within which the admission consultation should take place.

### **Admission Priority**

- 3.6 There are no proposed changes to the council’s admission priorities or catchment areas.

### **Published Admission Number**

- 3.7 In July 2021, the DfE published national pupil projections. The report can be found [here](#). The projected number of children nationally in state nursery and primary education is expected to fall from 4.596m in 2022 to 4.531m in 2023 and 4.454m in 2024. The report states: “The birth rate increased for over a decade until 2013, when it dropped notably. After a short period of stability, the rates dropped again from late 2016 onwards.”
- 3.8 Children born in 2016 will have started school in either 2020 or 2021. Whilst high level data this, at least, appears not to contradict the working assumption of the council’s own forecasts that project a continued decline in numbers of children requiring school places (Appendix A).
- 3.9 Since 2017 the council has reduced the amount of surplus primary school places by 390 across 11 schools as detailed in the table below.

Previously agreed reductions in PAN through consultation process	PAN changed		Year of change (Sept)
	From	to	
Brackenbury Primary School	60	30	2017
Coombe Road Primary School	60	30	2019
Moulsecoomb Primary School	90	60	2019
West Hove Infant School - Connaught Road	120	90	2019
Westdene Primary School	90	60	2020
Hangleton Primary School	90	60	2021

Mile Oak Primary School	90	60	2021
West Hove Infant School - Connaught Road	90	60	2021
Balfour Primary School	120	90	2022
Benfield Primary School	60	30	2022
Brunswick Primary School *	120	90	2022
Moulsecoomb Primary School	60	30	2022
West Blatchington Primary School	60	30	2022

\*Subject to a potential 'late' appeal to the Office of Schools Adjudicator

- 3.10 Starting school places for September 2021 at the city's infant and primary schools were allocated on 16 April 2021. At that time there were 2434 places offered and 386 places unfilled.
- 3.11 The Office of the Schools Adjudicator (OSA) noted in its Annual Report 2019/2020 that there had been a significant rise in LAs applying to the Adjudicator for a variation (a one-year agreement to change the PAN) to determined admission arrangements in order to combat the effect of falling primary rolls. The report sets out that it is the clear expectation of the Schools Adjudicator that LAs should instead be seeking to effect any proposed changes via the annual consultation route as where changes are made to arrangements by variation there is no requirement for consultation and no scope to object to the adjudicator. Moreover, while some bodies are required to be notified of variations, this does not include local parents.
- 3.12 As a result, the council is proposing to make changes to the Published Admission Number (PAN) of seven schools as part of the process of determining admission arrangements for September 2023, reducing surplus places by 150.
- 3.13 In September 2023 the Council is projecting that there will be 2132 applications leaving 538 places unfilled should no further reduction of places take place.
- 3.14 In September 2024 pupil numbers are projected to be 2080 leaving 590 places unfilled if there is no change to current PANs.
- 3.15 The first indication of pupil numbers in September 2025 forecast there will be 1930 applications leaving 740 surplus places should no further reduction of places take place.
- 3.16 It has been a long-standing convention that local authorities should plan to have between 5-10% surplus capacity to allow it to take account of parental preference and fluctuations in pupil numbers. The surplus capacity for September 2023 is expected to be 20% (538/2670) and will rise to 22% (590/2670) in September 2024. By September 2025 surplus capacity is forecast to be 28% (740/2670).
- 3.17 To maintain the maximum recommended surplus capacity approximately 325 school places ( $2132 \times 10\% = 213$ ) would need to be removed for September 2023 rising to 382 ( $2080 \times 10\% = 208$ ) school places for September 2024. In September 2025 a total of 547 school places will need to be removed to maintain the maximum recommended surplus capacity ( $1930 \times 10\% = 193$ ). The proposals in this report will not remove sufficient places to maintain the maximum recommended surplus.

- 3.18 Having too many surplus places can lead to schools having financial difficulties when, for example, they have a PAN of 60 pupils but only admit 36 starting school places. Under infant class size regulations, a school must have a maximum of 30 pupils taught by one teacher in Reception, Year 1 and Year 2 and so the school would be required to fund two class teachers with an average class size of 18 pupils.
- 3.19 School funding is mainly pupil-led and where pupil numbers in year groups fall well below 30 (or multiples of) there will be issues of affordability and financial viability. A shift to mixed age classes is the most effective way to mitigate the financial impact.
- 3.20 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 council's own budget.
- 3.21 As the admission authority for community schools the council has the responsibility to set the PAN (the numbers of children able to join a school in Year R) for these schools. Therefore, the council must look to reduce the number of surplus places in the city's primary schools as part of its responsibility to ensure a high performing education system.
- 3.22 Once determined interested parties can object to the OSA about the determined arrangements. The School Admissions Code is clear that when objections are considered the OSA must have regard to the strong presumption in favour of an increase to the PAN. In addition, the council has an overriding responsibility to seek to increase opportunities for parental choice.
- 3.23 This means that where schools are in higher demand with parents, changes to the school's PAN would be difficult to achieve. Last year, following the CYP&S committee's determination of admission arrangements, objections to the reduced PAN of three schools were successfully brought to the attention of the Schools Adjudicator. The decisions provided clarity that it is highly unlikely that the Adjudicator would uphold any arrangements determined by the Council which would result in the frustration of parental preference at schools which are currently oversubscribed. It is therefore not a realistic strategy for the council to look to the larger popular schools, which are oversubscribed or admit enough pupils to be close to their PAN as a way of reducing the number of surplus primary school places.
- 3.24 The city is divided into 8 planning areas for school place planning. Consideration has been given to each planning area to identify suitable schools where the PAN could be reduced. However, the council notes the comments of the Schools Adjudicator who stated in the recent appeals that, 'Generally speaking, planning areas do not mean much to parents; family links, ease of access and their views on the ethos of the school and the quality of education it offers weigh much more heavily'.

- 3.25 Pupil numbers are forecast across each planning area using information from GP registration data to give an indication of the number of pupils, school places required and expected numbers of surplus places.
- 3.26 The council is not the admission authority for voluntary aided schools. The responsibility is with the governing bodies of those individual schools. As result the council cannot propose a reduction in the PAN of voluntary aided schools.
- 3.27 The Council has liaised with both Dioceses to seek help to resolve the issues and to encourage their own considered reviews of the provision of primary school places in the city. It is recognised that 11 of the 15 voluntary aided primary schools in the city are already one form entry primary schools. The council is not able to impose its own proposals upon these schools or their Diocesan boards, however the council is working in very close partnership with the Dioceses and moving forward they are keen to work with the council to address the city issue in collaboration. These discussions are positive and ongoing.
- 3.28 The council has a number of stated aims and objectives, including ensuring that schools continue to improve, all children do well, coordinate and improve provision in our schools building on our 'family of schools' model, end the attainment gap for disadvantaged children, protect and improve special educational needs services and improve outcomes and inclusive provision.
- 3.29 It is accepted that it is a significant challenge to work towards some of these stated aims in the context of needing to reduce primary school places. It is not always possible to deliver a strategy to reduce places that will always sit neatly alongside the stated priorities.
- 3.30 However, the recommendations in this paper address the issue of school organisation and contribute to the wider aims of the council's corporate plan by ensuring that schools can operate with more efficient class sizes as the number of pupils continue to fall. This is not a programme which is designed to drive improvement or close the attainment gap.
- 3.31 The council is seeking to remove surplus places in areas of the city where future numbers are falling and proposes changes to schools whose level of applications falls short of the school's capacity and therefore leaves them consistently with surplus places.
- 3.32 The council has strongly urged the larger, oversubscribed schools to play their part in the city's response and to consider reducing their PANs but accepts that the School Admissions Code (and the difficulty in defending objections to previous-proposals) undermines the likelihood of a successful outcome. All schools with more than one form of entry have received high level representation from the council impressing upon them the need to consider their role in a 'family of school's' response.
- 3.33 These meetings have taken place with the Executive Director and Assistant Director meeting with the Headteacher and Chair of Governors to challenge them on the contribution they can make to address the city issue of growing surplus places. We know that when Headteachers, governors and the council work together with a shared city-wide goal success is more likely. Unfortunately to

date, none of these schools have come forward with a willingness to look at options to reduce their PAN. It is this, alongside government policy to strongly support parental preference, that means we are not able to make further proposals to reduce the PAN in these larger schools.

- 3.34 The council is not able to impose its own proposals upon these schools without the potential of a challenge overturning changes after determination. It is not considered an efficient use of public resources to seek to make changes where the considered advice is that there are strong chances of a successful objection that will undermine the council's statutory imperative to ensure an efficient education offer in the city.
- 3.35 Throughout the development of proposals, the council is mindful that parents in the city may seek conflicting outcomes, such as the continued availability of a local school and the opportunity to attend a larger, more subscribed school further than their nearest school. Some parents will be keen that they wish to have a short journey to school where others will be prepared to travel further so that their child can attend the school which they consider to be the right school for their child.
- 3.36 At this time the council is exploring what its future transport plan should look like, this consultation includes the exploration of the role of 20-minute neighbourhoods. The council is committed to becoming carbon neutral and yet some parents may be required to travel further than they would have had to do previously if these proposals are determined. The council will continue to work with schools on developing travel plans that minimise the negative impact of further journeys and to encourage as many of these to be using sustainable methods such as walking, cycling and public transport.
- 3.37 In addition, schools have commented on how they benefit positively from their schools being attended by a diverse range of pupils sometimes from further than their immediate location. They consider that this helps to ensure a high-quality experience for pupils.
- 3.38 Whilst an Ofsted grading is a judgment on a school's delivery of education at a moment in time, the council is cognisant that when considering how many places are available in the city's schools it would be considered by many that the number of places in an Outstanding school should not be reduced.
- 3.39 Some schools in the city are encountering financial pressures. Any deficit licensed by the council must be accompanied by a plan to return to a balance. This is usually over a period of 2-4 years. These plans will be based on estimated pupil numbers in future years.
- 3.40 There are currently 9 primary schools with licensed deficit budgets. Another 14 schools have estimated carry forwards of less than £10,000 and could be considered at risk of moving into deficit. It is accepted that several schools have demonstrated the ability to manage their yearly budget allocation without a significant carry forward or even a small deficit and not face on-going financial difficulty. However, there is a risk that small class sizes will force a school into financial difficulty that will impair the quality of education that can be provided. Of

the 7 schools where changes in PAN are proposed two of them have either a licensed deficit or carry forwards of less than £10,000.

- 3.41 In addition, the council is aware that smaller schools can prove to be where parents with children with additional needs prefer their children to attend. As a result, this can produce additional pressures for the schools in making the right range of support available to meet the needs of all pupils. The council is working with smaller school and its SEN department to consider revised funding arrangements in future years. It is accepted that these proposals may contribute to schools encountering further financial pressures and a reduction in the amount of curriculum variety and extended services available. The council will continue to ensure that this also features in its development and support for further collaborations between schools.
- 3.42 Given the council is unable to impose a PAN reduction on the larger, more popular schools that meet or exceed their current PAN, there will continue to be a high surplus of placements, even if these changes proposed in this report are implemented. It is therefore likely that in the future some schools in the city will be required to close. The council is mindful that closures will have to be proposed for schools where demand for school places is expected to continue to fall.
- 3.43 The pattern of parental preference as fewer children require school places will help to inform future decisions. With less children applying to schools in the medium term it will mean that more schools are likely to receive fewer applications. This will mean the council will have more options to propose reductions in PAN or closure that are less likely to be overturned if objections are raised with the OSA.
- 3.44 It is hoped that the responsibility to do this will not fall solely upon the council in its role as admission authority for community schools. There are 15 church schools in the city and a total of 20 classes in each age group. It can be envisaged that there may need to be closures of some of these schools in addition to changes in the number of community schools. The Council continues to liaise with both the Anglican and Catholic Dioceses.
- 3.45 In addition, the council has also been in discussion with the two primary schools which are a free school and an academy. The council is not the admissions authority for these two schools and is therefore seeking a collaborative approach with both schools as well.
- 3.46 The council will need to ensure that at the point that schools are required to close admission arrangements ensure that there is not a detrimental impact on council priority areas such as narrowing the attainment gap in the city for those who are disadvantaged and giving children the best start in life.
- 3.47 To minimise the number of schools that may be required to close, the council is seeking to work with all of the city's schools to urgently explore what measures can be taken to minimise the financial pressures created by surplus places.
- 3.48 In reality the majority of school funding is assigned to staffing costs and therefore efforts will need to focus upon reducing the cost of running schools that do not fill

their places. Versatility in staffing deployment, lower leadership costs and savings from economies of scale are seen as areas to achieve savings.

- 3.49 However, these are likely to take time to deliver and are dependent upon schools finding the right type of collaboration that allows savings to be realised without the jeopardising the quality of education, the ethos of a school or its connection and engagement to and in its community.
- 3.50 An education disadvantaged strategy has been co-designed with Headteachers and wider partners and consulted upon. The final version is about to be launched and will be brought to the CYP&S committee in early 2022. It builds on significant work that has been undertaken in the City including the development of a Toolkit and Pupil Premium reviews. The plan, informed by evidence-based research, is centred around six themes each with an objective and associated actions. These themes are: Leadership and Governance; Quality First Teaching; Targeted Academic Support; Pupil Voice & Pastoral Support; Language and Literacy; Attendance. Outcomes for disadvantaged pupils remain one of the priorities of the Brighton and Hove Education Partnership and the council remains committed to addressing this through this strategy and will prioritise all work and resources to ensure positive outcomes for these children are addressed alongside these challenging PAN proposals.
- 3.51 There is also a commitment to develop a wider City-wide strategy to support children, young people, and families at risk of disadvantage. This work recognises there are multiple factors creating and compounding issues of disadvantage for children, young people, and families. These often result in poorer educational, health and skills outcomes. There is national evidence that helping families as early as possible and providing the right support at the right time can stop problems getting worse and help families lead happier and healthier lives.
- 3.52 The LA is leading a multi-agency review and development programme on early help with the aim of improving the coordination of services to improve the outcomes of disadvantaged families. The early help development programme and the overarching disadvantage strategy are closely linked and will be developed simultaneously. There will also be clear links to the work of social care for some disadvantaged families. It is anticipated there will be a draft strategy available for full consultation in Spring 2022.
- 3.53 It is accepted that within the context of needing to reduce primary school places it is a significant challenge to plan and deliver that in such a way that aligns fully to the above areas of policy priority.

### **Developing Proposals**

- 3.54 Informal discussions have taken place with headteachers and chair of governors of all schools with two or more forms of entry. The pressure surplus places are placing on the education system and seeking support in contributing to the solutions being developed were highlighted. Whilst it is recognised that governing bodies will predominantly be focussed on their own establishments, the expectation is that they will also consider the implications for the city. It has been

disappointing that after these discussions no proposals from the larger primary schools in the city were put forward to the council for consideration.

- 3.55 In developing the proposals outlined in this report, consideration has been given to the potential impact of a school reducing by a form of entry as a result of schools largely being funded according to pupil numbers. However, whilst there remain concerns about how a one form entry primary school can be sustained it is not possible to avoid recommending changes that potentially create two more one form entry schools and sufficiently reduce the number of surplus places in the city.
- 3.56 The council continues to convene meetings with one form entry schools to look together at the pressures that are unique to schools with no more than 30 pupils in each year group. As referenced in the financial implications, the creation of more one form entry primary schools is not without risk for the council based on the evidence of additional strains on finances coupled with the pressure of change taking place over a period of time.
- 3.57 Current and past pupil numbers indicate the potential future need for a school to operate small classes due to class size legislation. The schools where changes are proposed are predominantly in areas where fewer children live.
- 3.58 Consideration has been given to the impact on the environment of any proposals to reduce the PAN of primary schools in the city. The aspiration is to ensure that the city can support sustainable routes to school that mean it will not be necessary for children to travel by car to school. These proposals seek to ensure that there remain enough school places within a reasonable distance for families to be offered.
- 3.59 It is recognised that each school will have built up a community of current, past and future families which will be affected should proposals to reduce the school's PAN be determined.
- 3.60 The recommendation to include these schools is not a reflection on the leadership or performance of the school. In a city with a strong education offer it is likely that proposals will have to impact on well run, successful schools.
- 3.61 Should all these proposals take effect the number of surplus places in the city will be 388 (538-150) in September 2023, 440 (590-150) in September 2024 and 590 in September 2025 (740-150). This will be 15% (388/2520), 17% (440/2520) and 23% (590/2520) surplus capacity in 2023, 2024 and 2025 respectively, still outside the recognised levels.
- 3.62 Consideration has been given to the impact of these proposals on the 4 schools with a nursery. The School Admissions Code prevents admission arrangements giving children who attend the nursery priority over other children to a place at the school. However, there can be a strong link between the two provisions and therefore the council needs to be mindful of the number of places in the nursery and the proposed PAN for the following schools.

School	Nursery places	Average number of children on roll in the summer term for the past three years	Proposed PAN
Bevendean	52 part-time places (3-4 yr olds)	30 three and four year olds	45
Carden	52 part-time places (3-4 yr olds)	33 three and four year olds	30
Coldean	52 part-time places (3-4 yr olds)	37 three and four year olds	45
Rudyard Kipling	52 part-time places (3-4 yr olds) 24 part time (2 yr olds)	39 three and four year olds  11 two year olds	45

3.63 Consideration should be given to the impact of these proposals on the nursery classes. Each school nursery class has 52 part time places for three- and four-year-olds. In addition, Rudyard Kipling has 24 part time places for two-year-olds eligible for nursery provision.

3.64 All three and four-year-old children are entitled to a part time place (15 hours a week) and children of working parents a full-time place (30 hours a week).

3.65 However, there can be a strong link between the two provisions and therefore the council needs to be mindful of the impact on the nursery classes and the proposed PAN. In these proposals there will be more nursery places available at each school than reception places. This may discourage some parents from choosing the nursery class and could impact on its future viability however, based on average numbers in the past three years only Carden Primary School has had more children attending the nursery than the proposed PAN from September 2023.

3.66 Further information on the development of proposals, the decision of the OSA and the impact of mixed aged classes can be found in Appendix B.

### **Arrangements for future years**

3.67 The council is mindful that further surplus places will need to be reduced in future years and considers it appropriate to indicate the scale and impact of those potential changes at this time.

3.68 As stated in Paragraph 3.14 - 3.15, in September 2024 pupil numbers are projected to be 2080 leaving 590 places unfilled and in September 2025 pupil numbers are projected to be 1930 leaving 740 places unfilled. If all the proposals

put forward in this consultation take effect, there will be 440 places unfilled in September 2024 and 590 places in September 2025.

- 3.69 The early scoping of these further changes has identified that sufficient school places will only be sustained with the reduction of PAN or the potential closure of both community and voluntary aided schools.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 The Council could propose to make a change to its current admission arrangements (excluding the PAN of each school) through the consultation process, however, the arrangements are lawful and well-established and no change is currently considered to be required.
- 4.2 The Council could seek to make no change to the PAN of any primary school. Whilst this may ensure the council can meet a greater level of parental preferences it will provide more uncertainty for schools in their planning and could place more schools at risk of financial difficulty. The forecast of future pupil numbers indicates there will be a rise on surplus school places and the OSA has identified the risk to the school and its financial situation if the PAN were to be set too high for the number of pupils expected to attend it.
- 4.3 The Council could propose to change the PAN of other primary or infant schools. In the case of large, popular schools no governing body has indicated a willingness to support proposals to reduce their PAN as part of this consultation
- 4.4 Consideration must be given to the emphasis of the School Admission Code and the recent determinations of the OSA which appear to rule out options involving schools where the impact will be to frustrate parental preference.
- 4.5 The council has proposed that some PANs reduce by less than a form of entry (30 pupils). This is directly in response to the comments made in recent determinations by the OSA who did not 'accept that it is necessary for every school in the local authority area to have a PAN that is a multiple of 30 in order for it to operate in an educationally effective and financially sustainable manner'.
- 4.6 Proposals involving Coldean and Bevendean schools and Woodingdean and Rudyard Kipling schools could have been for a full form of entry reduction at one or other of the schools. However, it was felt that there was no compelling reason to choose one school to have a reduction in PAN over another and potentially create a significant impact on one school near another. It is possible that the consultation process could identify a compelling reason that the CYP&S committee can be mindful of when determining any changes in January 2022.
- 4.7 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.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The Council has previously requested that Headteachers and Chairs of Governors inform it if a future reduction in PAN was a proposal that they would wish to undertake. No schools have indicated a willingness to undertake such a reduction.
- 5.2 If recommended, it is proposed to start the consultation on the reduction of PAN on Monday 15 November 2021 and for it to be concluded on Sunday 2 January 2022.
- 5.3 There will be engagement events specifically focussed on each school in the morning and early evening. In addition, there will be general engagement sessions for anyone who is not specifically interested in specific proposals affecting any one school.
- 5.4 A consultation response form will be available on the council's consultation portal and as with last year's consultation, interested parties will be able to leave a message for someone to call them back and take down their response over the telephone.
- 5.5 Attention will be given to engaging sections of the community who may not previously have participated with public consultations such as those with protected characteristics and this is considered within the Equalities Impact Assessment (Appendix D).
- 5.6 A proposed schedule of public consultation events can be found in Appendix C including details of the consultation hosted on the council's [online portal](#).

## **6. CONCLUSION**

- 6.1 It is proposed to make no further changes to admission arrangements (other than the ones outlined in the report) and to undertake a public consultation with the results and final recommendations coming back to this committee in January 2022.
- 6.2 It is proposed that the Published Admission Number for: Bevendean Primary School, Carden Primary School, Coldean Primary School, Queens Park Primary School, Rudyard Kipling Primary School Saltdean Primary School and Woodingdean Primary School be reduced by a total of 150 places. This will support a reduction in the amount of surplus primary school places available in the city in September 2023.
- 6.3 The council must act to ensure there are not excessive levels of surplus school places in the city. It also holds the financial risk if community schools move into a deficit budget position. However, it only has responsibility as the admission authority to the city's community schools and should have due regard to the content of recent determinations from the OSA and the requirements of the School Admissions Code when considering the options available to it. There is a strong presumption that schools which receive a high number of parental

preferences and can accommodate a higher number of pupils should be able to admit more children than the PAN set for it.

- 6.4 Should all the proposed reductions in PAN be determined after public consultation the council will still have 388 surplus places in September 2023, 440 surplus places in September 2024 and 590 surplus places in September 2025, representing 15%, 17% and 23% respectively.
- 6.5 Once the arrangements for September 2023 are determined it is possible for a variation to be applied to other schools should circumstances require it and reduce more surplus places. Any future decision will be informed by the pattern of parental preference for September 2022, changes of strategic direction by schools in the city and the results of future financial planning.
- 6.6 A further reduction in surplus primary school places is expected to be required in future years. Admission arrangements are determined approximately 18 months before they are implemented. As stated in paragraph 3.1, Local Authorities need to manage the school estate efficiently and to reduce surplus capacity to avoid detriment to schools' educational offer or financial position. These proposals seek to address this one issue, but it is accepted that in doing so other priority areas of education in the city could be affected.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The report sets out the proposals to address the issue of the large number of surplus places in the city's primary schools by making reductions to published admission numbers from September 2023. The impact of this proposal will be to create smaller schools.
- 7.2 Analysis has shown the greatest financial pressures on primary schools within the city are in smaller schools, particularly one form entry schools. This is for a variety of reasons including the lack of economies of scale and low occupancy within year groups, but also because they support a higher concentration of SEND and disadvantaged pupils than larger primary schools.
- 7.3 Of the 9 primary schools currently operating under a licensed deficit budget arrangement, 6 of these are one form entry schools. This equates to 67% of the total primary schools with licensed deficits. In overall terms, one form entry primary schools account for only 36% of the total of primary schools within the city.
- 7.4 The council convenes a meeting with one form entry schools to look together at the pressures that are unique to schools with no more than 30 pupils in each year group. In conjunction with this, work is taking place to look at measures that may mitigate the financial pressures on small schools. However, there are limitations to this given that school funding regulations demand that funding is largely pupil-led. This is particularly challenging where pupil numbers in year groups fall well below 30. In this situation there will almost certainly be issues of financial viability with a change in a school's organisational structure and a shift

to mixed age classes being the most effective way to mitigate the financial impact.

- 7.5 Of the schools where reductions in published admission numbers are being proposed in September 2023, there are two which currently operate under a licensed deficit arrangement. The longer-term financial recovery plans that these schools have submitted may be impacted by a reduction in their PANs.

*Finance Officer Consulted: Steve Williams*

*Date: 17/09/21*

Legal Implications:

- 7.6 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.
- 7.7 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 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. The admission arrangements must be determined by 28 February in the determination year. The arrangements for the admission year 2023/24 must therefore be determined by 28 February 2022.
- 7.8 Community schools and other interested parties have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. The School Admissions Code provides that there is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering such an objection. For this determination year any objections to the arrangements must be referred to the Adjudicator by 15 May 2022.
- 7.9 Once admission arrangements have been determined Admission Authorities may propose variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals must be referred to the Schools Adjudicator for decision following consultation with the governing body of the affected school(s).
- 7.10 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

*Lawyer Consulted:*

*Serena Kynaston*

*Date: 11/10/21*

Equalities Implications:

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

- 7.12 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.
- 7.13 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.
- 7.14 The consultation process needs to take account of young parents who may be less likely to respond to the consultation, issues of accessibility and comprehension of the consultation process and the materials made available as well as ensuring that the decision-making process after the consultation is based on the content not just quantity of replies.
- 7.15 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.
- 7.16 It is recognised that to foster strong community cohesion school's intake should seek to reflect the city's diversity.

#### Sustainability Implications:

- 7.17 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.
- 7.18 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
- 7.19 Any change in PAN is expected to require the school's travel plan to be re-written to take account of the change.
- 7.20 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. The consultation period will be an opportunity to explore what the potential impacts of these proposed changes will be and the report to committee in January can be expected to detail these in more detail alongside recommendations for changes to be implemented.

#### Any Other Significant Implications:

See Appendix 1

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Significant Implications
2. Published Admission Numbers for Primary and Secondary schools.
3. Admission arrangements and priorities for community primary and secondary schools
4. Coordinated scheme of admissions – primary.
5. Coordinated scheme of admissions – secondary.
  - A. Pupil Forecast Sheet
  - B. Developing Proposals
  - C. Proposed Public Consultation events
  - D. Equality Impact Assessment

### **Documents in Members' Rooms**

None

### **Background Documents**

None

Crime & Disorder Implications:

- 1.1 None.

Risk and Opportunity Management Implications:

- 1.2 Any change to school attendance patterns and pupil numbers will impact directly on resource allocation both revenue and capital, and on the Council's ability to meet parental expectations on school places. Pupil data and broader population data is used to identify the numbers of school places required and where they should be located. This feeds into the capital programme so that resources are allocated where they will have the most beneficial effect.

Public Health Implications:

- 1.3 None.

Corporate / Citywide Implications:

- 1.5 School organisation matters help to address the corporate priorities for a growing and learning city and a stronger city. By seeking to ensure through the provision of a local school place that the council addresses the causes of poverty and its impact on our communities and ensures that schools continue to improve, and all children do well.
- 1.6 The allocation of school places affects all families in all parts of the city and can influence where people choose to live. Failure to obtain the desired choice of school can create a strong sense of grievance. The process of expressing a preference and if disappointed, entering an appeal can create intense anxiety for many families in the city. Admission arrangements together with school place planning are framed in such a way as to be mindful of supporting the needs of communities.