

Brighton & Hove City Council

Children, Families & Schools Committee

Agenda Item 9

Subject: Proposals for the future of Hertford Infant and Hertford Junior Schools

Date of meeting: 12 June 2023

Report of: Executive Director Families, Children & Learning

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report outlines proposals to consider the future of Hertford Infant and Hertford Junior schools. Both schools are part of the Hertford Federation and so there is one governing board responsible for both schools.
- 1.2 In January 2023 the Children Young People & Skills (CYPS) committee determined to reduce the Published Admission Number of Hertford Infant School to 30 pupils from September 2024 noting it would “facilitate a move to a single form entry primary school, on one site, in the future”.

2. Recommendations

- 2.1 That Committee agrees to undertake a consultation on the proposal to create a one form entry Hertford primary school on one site and for this to be implemented by relocating Hertford Infant School to the junior school site and extending the age range to pupils aged 4-11 years.

3. Context and background information

- 3.1 During Autumn 2022 the Council undertook a consultation on admission arrangements for September 2023. It was proposed to reduce the PAN of Hertford Infant School to 30 pupils to “help facilitate a move to a single form entry primary school, on one site, in the future”.
- 3.2 In January 2023 the report to CYPS committee on the response to the consultation on the reduction in PAN included details of the responses received regarding Hertford Infant School. There were 7 responses, 2 respondents (28.5%) tended to disagree or strongly disagreed with this proposal compared to 3 respondents (43%) who strongly agreed or tended to agree with this proposal. 2 respondents (28.5%) didn't offer an opinion or didn't answer the question.

- 3.3 Several of the responses raised concerns about the potential of staff redundancies with a reducing PAN, and the impact on children who have additional needs as the proportion would be higher than in a larger school.
- 3.4 The additional question sought respondents' views about the possibility of Hertford Infant and Junior schools coming together on one site. Only one response was made to the question posed in the online response form indicating that this proposal seemed a sensible approach.
- 3.5 As outlined in [statutory guidance](#) on making significant changes to maintained schools, there are two ways to amalgamate two existing maintained schools. The first option is for the Council to publish proposals to close the two schools and the Council can then publish a proposal to open a new school. However, under the legislation the Council would be under a statutory duty to first seek proposals for the establishment of an academy. The second option is for the Council to publish a proposal to enlarge/change the age range and transfer the site of an existing school. This is the preferred option of the Hertford Federation.
- 3.6 There is a statutory process to make what are termed "prescribed alterations" to ensure the remaining school has the correct age range and that the school's location has changed.
- 3.7 It is proposed that the Council will follow the second option and relocate Hertford Infant School to the site of the junior school and extend its age range to admit pupils from ages 4 – 11 years. It is calculated that the walking distance between the main entrances of Hertford Infant and Hertford Junior sites is 0.5 mile.
- 3.8 The statutory process for making prescribed alterations to schools has five stages:
- Stage 1 Consultation – when proposals are launched
 - Stage 2 Publication of statutory notices
 - Stage 3 Representation period of 4 weeks for further submission of comments on the proposals
 - Stage 4 Decision - the Council must decide on a proposal within 2 months of the end of the representation period
 - Stage 5 Implementation – there is no prescribed timescale within which closure/agreed alterations must happen, although there must be good justification if it is longer than 3 years.
- 3.9 It is proposed that the consultation would start on 19 June 2023 and close on 31 July 2023, although it is noted best practice would be for it to be held completely outside the school holidays. However, it does allow for a 6-week consultation period. A report will then come back to the Children, Families & Schools committee on 11 September 2023 with a summary of the responses received and a recommendation as to the next steps to take.
- 3.10 It is proposed that information events will be held during the period of consultation so that the proposals can be explained and any questions

answered. In addition, the events will be an opportunity to receive comments from the public.

- 3.11 It is anticipated that events will be held on the following days at the times stated:

Monday 26 June 11.00 - online event – [Teams meeting link](#)

Tuesday 27 June 18.00 – in-person event - Hertford Junior School

Wednesday 5 July 18.00 – online event – [Teams meeting link](#)

- 3.12 It is recognised that this proposal is being made at a time when the future number of surplus primary school places in the city continues to be a cause of concern and further action required has not yet been determined. However, the governing board are keen to progress with consulting on these proposals to provide their community and staff with as much certainty as is possible at this time.

- 3.13 Hertford schools have been federated since 2017, with an Executive Headteacher leading both schools since 2018. The values and ethos of the schools are aligned and the curriculum has been planned for consistency and continuity across both sites. Many staff already work across the two school sites. The new primary will build upon the current schools' development priorities. Moving to the junior site will provide excellent opportunities for the continuation of the development of outdoor learning. The junior school has extensive ground including forested areas, ponds, a full-sized football pitch, a large trim trail and several surfaced playground areas.

- 3.14 It is anticipated that there would need to be some capital works at the junior site to make it suitable for infant age pupils such as changing toilet pan sizes and providing age-appropriate height fittings in the infant classrooms. Any proposed changes will be discussed and agreed with the school and a suitable budget allocated to the project.

- 3.15 The council has no plans for any surplus accommodation that may become available as a result of the proposals under consideration. The council would require the prior consent of the Secretary of State for Education to dispose of any school land that was deemed surplus to requirements.

- 3.16 The process for disposing of or changing the use of a building previously used as a school is set out in the non statutory guidance 'Involving the Secretary of State in land transactions Non-statutory guidance on how and when to involve the Secretary of State in transactions involving land held for the purpose of a school' published in September 2021.

- 3.17 The Secretary of State may:

- approve the application with or without conditions; or
- refuse consent; or
- may separately consider whether to make a scheme under paragraph 1 of Part 1 of Schedule 1 to the Academies Act 2010 to transfer land

that is held by a local authority and has been used wholly or mainly for the purposes of a school within the last eight years but is (or is about to be) no longer so used. Any use of the power would allow the authority to make representations.

- 3.18 This process can take some considerable time to complete and until the outcome is known the council will be in the position of having to maintain an empty building. The guidance suggests that no changes should be made until such time as the Secretary of State has made their decision. It is not unusual for this process to take up to 2 years from the point of making the application to the decision being made.
- 3.19 Maintaining an empty building can be a costly exercise, an empty building will deteriorate more swiftly than an occupied one.

4. Analysis and consideration of alternative options

- 4.1 The governing board have been provided with information to inform the decision making about which site would be the preferred location for the schools. Calculations have been informed by the [BB103 document](#), standards and guidance on the area of school buildings and grounds. This is non statutory advice from the Department for Education that has been produced to help recipients understand their obligations and duties in relation to the School Premises Regulations and includes a space calculator which can be used to calculate the size and type of spaces required in different types of schools based in the number of pupils in each key stage.
- 4.2 The minimum net internal area required for a one form entry primary school is 798m² the maximum net area is 926m². The infant site has a shortfall of accommodation of 163m² if it was to become an all through primary site whereas the junior school site has a surplus of 58m². In addition to this two of the spaces on the infant site are external modular type buildings that will eventually require replacement. If these spaces are excluded from the calculation it adds a further 120m² to the shortfall of accommodation.
- 4.3 The minimum net outside space required for a 1 FE primary school is 8730m² and the infant site has a shortfall of external space of 5,570m² if it was to become an all through primary site whereas the junior school site has a surplus of 5,560m².
- 4.4 It was therefore apparent that the infant school would be unable to provide the necessary accommodation internally or the external space requirements of BB103 for a 1 form entry primary school whereas the junior school site is able to provide both the internal accommodation and the external space required.
- 4.5 Consideration was also given to how the council may accommodate any future rapid increase in pupil numbers as previously experienced in the early 2010s. It is clear that the infant school site cannot reasonably sustain a 1 form entry school and therefore could not possibly sustain a 2 form entry primary school. Even if it were possible to provide the internal

accommodation the external space would be inadequate for 420 pupils, the lack of grassed team games playing space is not something that could be provided on the site.

- 4.6 The junior site could probably be adapted to provide the necessary internal space, either as temporary accommodation or a permanent expansion at first floor level (subject to funding and planning requirements). Currently the external space at the junior school would fall short of the requirements but only marginally (approximately 1,400m²) which is something that could likely be managed, for a period of time, through the use of staggered timetabling.

5. Community engagement and consultation

- 5.1 This report seeks permission to undertake a public consultation on the proposals. The Hertford federation governing board support the proposals to consider the re-location of the schools to the Hertford Junior site and the creation of a one form entry primary school.
- 5.2 A public consultation is proposed to run between 19 June 2023 and 31 July 2023. This will include a response form hosted on the council's website <https://consultations.brighton-hove.gov.uk/>.
- 5.3 In addition, there will be 3 public events scheduled at various times of the day between 26 June and 5 July. These will be an opportunity for the proposal to be discussed in more detail, answer any questions that people may have and allow for comments about the proposal to be captured.
- 5.4 As outlined in Paragraphs 3.1 – 3.4 consideration to these proposals was explored in the autumn 2022 and of the limited responses received the indications were this was seen as a logical and reasonable approach to address the issues facing the schools.

6. Conclusion

- 6.1 It is proposed to undertake a consultation on proposals to amalgamate Hertford Infant School and Hertford Junior School on one site as an all through primary school.
- 6.2 The proposals have the support of the Hertford Federation governing board which oversees both schools.
- 6.3 The early views of interested parties was requested as part of the school admission consultation in autumn 2022. There were not a significant number of responses to the proposals and there were some concerns about the potential site that would be chosen but no fundamental objections to the proposals being put forward.
- 6.4 The council intends to consult on proposals to create a one form entry primary school on one site by undertaking a statutory process as required by legislation.

- 6.5 A consultation will be undertaken between 19 June 2023 and 31 July 2023, prior to a report being taken to the Children, Families & Schools committee on 11 September 2023. It is proposed that any change would commence from September 2024.

7. Financial implications

- 7.1 In proposing to amalgamate Hertford Infant School and Hertford Junior School on one site as an all through primary school there are certain arrangements regarding the calculation of the future years' budgets, particularly the lump sum element of funding that need to be considered.
- 7.2 In terms of the forward calculation of a merged school budget (assuming a full amalgamation) after 1st April in any given year, the new school will receive funding equivalent to the formula funding of the closing 2 schools for the appropriate portion of the year (i.e. 7/12ths if an amalgamation takes effect from September). This means the new school will receive the full combined lump sum allocation for the 2 predecessor schools for the remainder of that financial year. From the start of the next financial year the new school will receive 85% of the total of the predecessor schools' lump sums for one financial year. This would then reduce to one lump sum allocation the year after.
- 7.3 The LA will work closely with the schools to ensure future potential budget allocations are accurately modelled.

Finance officer consulted: Steve Williams Date consulted: 25/04/2023

8. Legal implications

- 8.1 In order to create a one form entry primary school, the Council has to follow the statutory process set out in the Education and Inspections Act 2006. This requires the Council to close one of the schools and enlarge/change the age range of the other school. The first stage of the process is to conduct a statutory consultation. The Council is required to consult a specified list of consultees which includes parents, staff, and the governing bodies and staff of other schools that may be affected. It is for the Council to determine the length of the consultation however best practice dictates it should be for a minimum period of six weeks and during term time in order to maximise responses.

Lawyer consulted: Serena Kynaston Date consulted 26/04/2023

9. Equalities implications

- 9.1 The public consultation will seek to understand what implications there will be for current or future parents/carers of children who attend either Hertford school.
- 9.2 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
- the materials made available
- ensuring that the decision-making process after the consultation is based on the content not just quantity of replies.

10. Sustainability implications

- 10.1 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.
- 10.2 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
- 10.3 Any change in PAN is expected to require the school's travel plan to be re-written to take account of the change.
- 10.4 The consultation period will be an opportunity to explore what the potential impacts of these proposed changes will be and the report to a future committee meeting can be expected to detail these in more detail alongside recommendations for changes to be implemented.
- 10.5 Changes to the number of school buildings could lead to a reduction in the number of rooms and facilities being used which may lead to areas of a school being more efficiently managed in relation to energy use.

