

Brighton & Hove City Council

Children, Families & Schools Committee

Agenda Item 37

Subject: School Admission Arrangements 2025-26

Date of meeting: 6 November 2023

Report of: Executive Director Families, Children & Learning

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Ward(s) affected: All

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 the Council did not wish to publish the report before affected schools had had the opportunity to inform their staff and wider school communities about the proposals. This will happen on the first Monday after the half term break (30 October 2023) following which the report will be published without delay.

For general release

1. Purpose of the report and policy context

- 1.1 This report details the proposed school admission arrangements for the academic year 2025-26 for the schools in the city where the Council is the admission authority. This report needs to be read in conjunction with the report on Proposed School Closures 2024 being presented at the same Committee meeting.
- 1.2 When changes are proposed to admission arrangements, all admission authorities must consult on these new arrangements. Where the admission arrangements have not changed from the previous year there is no requirement to consult except where 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 be asked to approve a consultation based on the proposals being suggested. They will then receive a further report in January 2024 seeking the determination of those arrangements for 2025-26.
- 1.4 Local Authorities must also set out schemes for coordinated admissions, including key dates in the admission process and 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 That Committee agree to make no changes to the council's admission arrangements or school catchment areas (other than the changes listed below).
- 2.2 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Brunswick Primary School from 120 to 90.
- 2.3 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Goldstone Primary School from 90 to 60.
- 2.4 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Patcham Infant School from 90 to 60.
- 2.5 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Queen's Park Primary School from 60 to 30.
- 2.6 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Rudyard Kipling Primary School from 60 to 45.
- 2.7 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Saltdean Primary School from 90 to 60.
- 2.8 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Stanford Infant School from 90 to 60.
- 2.9 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of St Luke's Primary School from 90 to 60.
- 2.10 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Woodingdean Primary School from 60 to 45.
- 2.11 That the Committee agree to consult on amending the admission priorities for Brighton & Hove community secondary schools to include a new priority 3 for pupils eligible for Free School Meals (up to the city average percentage).
- 2.12 That the Committee agree to make no changes to the "relevant area".

3. Context and background information

Overview – Pupil Numbers

- 3.1 In the Census 2021 it was revealed that Brighton & Hove's population profile had fewer children & young people aged 0 to 19 (20.5%) compared to the South East (23.1%) and England (23.1%). There was a 22% drop in children aged 0-4 living in the city in the 2021 census compared to the 2011 census.
- 3.2 The Council's own projection of pupil numbers starting Reception in the coming years forecasts that there will be 651 excess places in 2025 and 662

excess places in 2026. Therefore, the city will have over 25% surplus capacity.

- 3.3 The Council divides the city into 8 planning areas and detailed forecasts for each planning area are provided in Appendix 1. It is expected that forecasts will be updated by December 2023 with more recent data from the NHS that will allow forecast pupil numbers until September 2027. This will be available to the Committee prior to the determination of any admission arrangements for September 2025.
- 3.4 The Council has received data from the Department for Education that indicates that the number of children in 2027 could be as low as 1991 and usually it can be expected that only 90% of that figure will require a school place, this would be 1792 children.
- 3.5 The table below shows the forecast for the number of children requiring a school place in September 2023 in the proceeding years. On National Offer Day 2023 the Council allocated 2202 places. The accuracy of these forecasts to the number of places allocated has been between 97%-99% accurate.

	Forecast figure	Accuracy to 2023
2022 forecast	2169	98.5%
2021 forecast	2132	96.8%
2020 forecast	2194	99.6%

- 3.6 Since forecasting the numbers of children requiring school places from September 2018 until September 2023 the yearly updated forecasts have been between 96% and 99% accurate in the time-period from 2015-2023. Whilst this is not a definitive indicator of future accuracy it supports the reliability of methodology used and provides a high level of assurance about the process.
- 3.7 The Council has responsibility to ensure that all children who require a school place in Brighton & Hove have one available. Typically, areas are expected to hold between 5-10% surplus capacity to provide for families moving into an area and an element of parental preference.
- 3.8 Currently, with no change for 2025-26 in place, there will be 2610 primary school places in Reception. The table below shows the estimated number of surplus places when taking account of a maximum of 10% surplus capacity, which has been considered by the DfE as a sound surplus requirement.

	Places	Pupils (est)	Max spaces needed in schools, incl 10%	Surplus places
Sept 2025	2610	1959	2155	455
Sept 2026	2610	1948	2143	467

- 3.9 Should the proposals in this committee paper and the accompanying committee paper, Proposed School Closures 2024, be implemented as proposed the number of school places in Reception would be 2310. The revised table shows the estimated number of surplus places when taking account of a maximum of 10% surplus capacity.

	Places	Pupils (est)	Max spaces needed in schools, incl 10%	Surplus places
Sept 2025	2310	1959	2155	155
Sept 2026	2310	1948	2143	167

- 3.10 If these proposals are implemented then there may be a need for consideration of further reductions in the number of school places, especially if the initial forecast for 2027 continues to indicate a reduction in pupil numbers. This could require further proposals to reduce the PAN of schools or the potential closure of other schools in the city.
- 3.11 In addition, the Council will be seeking to support schools to ensure that they operate in as financially efficient a way as possible. The Council has recently engaged the support of School Resource Management Advisers offered free of charge by the Department for Education. Their work with city schools over the next few months will help inform opinions on what else, if anything, can be done by schools to make the most efficient use of their budget. In addition, the Council is providing schools with additional benchmarking data and may need to secure school deficits against the Council's General Fund should the total amount of deficit exceed the total amount of school balances in future years.

Proposals – Primary Phase Schools

- 3.12 The Council is the admission authority for all community schools and is responsible for setting the Published Admission Number, which determines the maximum number of pupils a school admits into its year of entry (Reception or Year 3 for junior schools). However, the governing board and other interested parties can object to the Office of the [Schools Adjudicator](#) (OSA) if the PAN is lower than they would wish. This is a non-governmental body which rules on objections to admission arrangements of publicly funded schools in England. The OSA must take account of the [School Admissions Code](#) which states that 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. The OSA is highly likely to uphold any objections to arrangements which result in parental preference being frustrated. As a result, decisions made by the Council can be overturned, and have been in previous years when the Council has sought to reduce PANs of certain schools.
- 3.13 Voluntary Aided schools (church schools) and Academies are their own admission authority and have responsibility to set their own PAN and the council cannot object to the setting of those arrangements where these are

to stay the same or increase. In addition, an admission authority can admit more pupils above its PAN without consulting upon that decision.

- 3.14 As outlined in paragraph 3.8 the council has a surplus of over 450 places in the next few years. This is the equivalent of 15 forms of entry.
- 3.15 To ensure that a reduction in surplus places is achieved, the council could seek to close up to 15 one form entry schools to achieve the necessary reduction in pupil numbers. It is only through the process of closure that the council could realistically expect to be able to secure the reduction in places needed. However, the council has committed to protect schools from closure where possible. The council must also retain a long term view that in future years pupil numbers can reasonably be expected to rise again and it is the responsibility of the council to secure sufficient school places to meet the need. A significant number of school closures would create significant risk to the council of meeting that responsibility.
- 3.16 Therefore, the proposals being put forward for consultation across both reports seeks to use a combination of PAN reduction and school closure to achieve a significant proportion of the total reduction in unfilled school places needed.
- 3.17 These proposals include some schools where the council has previously determined a reduction in PAN but this was subsequently overturned by the Schools Adjudicator following objections raised by the governing boards and other parties. It is hoped that with the realisation of the impact of falling pupils numbers governing boards are prepared to make decisions that support the whole city's need to keep open as many schools as is practicable.
- 3.18 However, it is understood that governing boards are established as the school's legally accountable body, responsible for the individual school to the Local Authority and must operate in the best interests of the school by leading the school strategically, focusing on the three core functions of:
- Ensuring clarity of the vision, ethos and strategic direction.
 - Holding the school leadership to account
 - Overseeing the financial performance of the school
- 3.19 Brighton & Hove City Council's Plan 2023 to 2027 outlines a commitment to support the provision of high quality and inclusive education from early years through to adult learning and to do this in part by delivering specific strategies for children and young people at risk of educational disadvantage. The council must also seek to deliver an efficient education system. This requires action to be taken to reduce the number of unfilled places so that schools are operating from a more secure platform from which to deliver on multi-year programmes for the pupils attending their schools now and in the future such as a full and vibrant curriculum and to be able to provide the right support to be available to pupils and families.

- 3.20 The council is proposing the following changes to primary phase schools in the city:

School	Current PAN	Proposed PAN
Brunswick Primary School	120	90
Goldstone Primary School	90	60
Patcham Infant School	90	60
Queen's Park Primary School	60	30
Rudyard Kipling Primary School and Nursery	60	45
Saltdean Primary School	90	60
Stanford Infant School	90	60
St Luke's Primary School	90	60
Woodingdean Primary School	60	45

Being included in a list of proposed changes is not a reflection of the quality of education delivered or the leadership of those schools.

- 3.21 The reasons why these proposals are being put forward are specific to each school and will be outlined in more detail at consultation events that will be undertaken if the committee agrees to them. In broad terms consideration has been given to the numbers of places in the area where the school is located and the numbers of applications the school has received in relation to schools in its surrounding area. Reversing previous expansion decisions now that pupil numbers are falling. The financial position of the school now and its forecast position in future years. We are seeking to ensure the city retains a broad range of schools of various sizes and types. It is hoped that by implementing these proposals the schools in the city are able to withstand ongoing pressures with budgets, meeting pupil needs and delivering good quality education.

Proposals – Secondary Schools

- 3.22 The Council recognises that in the coming years the issue of unfilled places that the city's primary schools are having to face will affect the secondary schools in the city. It is proposed not to make any changes to the catchment area of secondary schools or their Published Admission Number currently.
- 3.23 The Council will shortly begin engagement with the governing boards, trusts and headteachers of the city's secondary school to consider proposals to address these pressures. The Council does not want to see a secondary school in the city close. Secondary schools are seen to serve specific

communities in the city and the location of the schools would lead to an area being at a disadvantage if one school was to close. However, it is noted that not all catchment areas are treated equally currently and the location of the schools mean some pupils need to undertake long journeys on public transport to attend their catchment school or, in some cases, their preferred school.

- 3.24 The Council is proposing to make a change to the admission priority of its community secondary schools by introducing a new priority category that provides pupils eligible for Free School Meals the opportunity for a place at the school, up to the city average of FSM eligible pupils in the city's secondary schools. This would allow FSM eligible pupils to have a chance of being offered any school of preference depending upon the random allocation tie-break.
- 3.25 Under the School Admissions Code 2021, the Council is required to have priority 1 as outlined in Appendix 2. It is proposed to introduce a new priority 3 for Free School Meal pupils from across the city up to the average percentage of the city's secondary schools. In theory if a school was likely to admit pupils with an overall percentage of FSM of 15% and the city average was 20% it would be possible for more FSM eligible pupils to be offered places at the school. If more FSM eligible pupils wished to be offered a place than the percentage of places available, the council will use random allocation as a tie-breaker to determine who was offered a school place.
- 3.26 The council appreciates that an oversubscribed schools which admits children with FSM from out of catchment area could mean that pupils from within catchment area being refused places. In addition, schools with a high proportion of FSM eligible pupils could see a reduction in the number of these pupils attending because they have been offered places in other schools. However, the Council considers the risk of catchment area pupils not obtaining a place at their catchment area school, if they include this as one of their three preferences, as being low with pupil numbers in secondary schools beginning to drop. The Council wants to promote the opportunity for those pupils eligible for FSM to be given a greater possibility of a place at their preferred school than under the current arrangements.
- 3.27 It is possible that those schools with high numbers of FSM eligible pupils may have a reduced number of pupils attending their schools because under these proposals pupils eligible for FSM will have a greater priority for a place at another school than other children from outside the catchment area who are categorised under priority 6 in the proposed admission priorities.
- 3.28 In the most recent school census (May 2023) the following FSM percentages (Yrs 7-11) were reported. The city average for secondary schools was 25%. The average percentage of FSM pupils seeking a secondary school place in 2025 is forecast to be 28% and there are estimated to be about 60 less pupils requiring a school place compared to 2023.

Kings School	15%
Blatchington Mill School	16%
Cardinal Newman Catholic School	16%
Dorothy Stringer School	18%
Varndean School	19%
Patcham High School	20%
Portslade Aldridge Community Academy	28%
Hove Park School	32%
Longhill High School	36%
Brighton Aldridge Community Academy	46%

3.29 As outlined in appendix 2, the priority list of admission categories are proposed to be:

1. LAC and previously looked after children
2. Exceptional circumstances
3. FSM children (up to the city average)
4. Sibling (within catchment area)
5. Within catchment area
6. Other children

3.30 The Council is not proposing a change to the current eligibility criteria for home to school transport. In relation to distance, these are set out in legislation and state:

- over 8 years of age and lives more than three miles from the appropriate school, which is the closest primary or junior school to the main home address that had an available place or the catchment area secondary school

and for those eligible for free school meals receive free public transport for your child if they are:

- 11 to 16 years old and they go to school that is 2 to 6 miles away (as long as there are not 3 or more suitable schools nearer to the home)

3.31 It is recognised that these arrangements may not facilitate families receiving the transport assistance to make the most of the proposed new priority. However, the Council is committed to working to develop longer term options for admission arrangements that secure the long-term resilience of the city's secondary schools, considers the disparity in choice for families in different parts of the city and the infrastructure, such as transport, that impacts on pupil's ability to attend a preferred school.

Consultations

3.32 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 2025-26, the consultation process must take

place between 1 October 2023 and 31 January 2024 and last for a minimum of 6 weeks.

- 3.33 It is proposed to start the consultation on 7 November 2023 and for it to run for nearly 7 weeks concluding on 22 December 2023.
- 3.34 There will be two consultation events for each school where a PAN reduction is proposed, an in-person meeting and an online meeting. In addition, there will be three online meetings that will focus on the proposal to amend the secondary school priority criteria.
- 3.35 There will be full details of these meetings and a full consultation document available on the Council's website from the 7 November if these recommendations are approved.
- 3.36 Following the consultation exercise the council must determine its admission arrangements by 28 February 2024 to conform to the requirements of the School Admissions Code.
- 3.37 A further report will be presented to the Children, Families & Schools Committee on 8 January 2024 detailing the response to the consultation and making recommendations about the admission arrangements for 2025-26.
- 3.38 The relevant proposed consultation papers for the 2024-25 admission year for the City of Brighton & Hove are attached as appendices to this report.

4. Analysis and consideration of alternative options

- 4.1 The Council could propose making no changes to primary or secondary school arrangements. The on-going increase in unfilled places in the city's primary schools and the intention to provide more opportunity for FSM eligible pupils are considered to be relevant and urgent measures to propose from September 2025.
- 4.2 The Council has previously sought to make changes to primary school PANs with varying levels of success..
- 4.3 Consideration has been given to the emphasis of the School Admission Code and the previous determinations of the Schools Adjudicator which appear to rule out options involving schools where the impact will be to frustrate parental preference. However due to the on-going impact of falling pupils numbers the council has no option other than to consider once again the reduction in PAN's at schools which have had previous proposed PAN reductions overturned by the School's Adjudicator.
- 4.4 The Council could seek to solely propose the closure of schools as a way of reducing surplus places. However, this approach could risk the ability of the council to ensure sufficient school places in the decades to follow and will mean that communities are left without a school to attend, within a reasonable distance.

5. Community engagement and consultation

- 5.1 Prior to the drafting of this report, the council had requested that Headteachers and Chairs of Governors inform it if a future reduction in PAN or potential school closure was a proposal that they would wish to undertake. Discussions have taken place with all the schools proposed for a PAN reduction and it is hoped the city can work in partnership to address the challenges it faces around falling pupil numbers.
- 5.2 If agreed, it is proposed to start the consultation on the reduction of PAN on Tuesday 7 November 2023 and for it to be concluded on 22 December 2023. A total of 6 weeks and 3 days.
- 5.3 It is proposed that there will be 21 engagement events to cover the 10 proposals in this report.
- 5.4 A consultation response form will be available on the council's consultation portal and interested parties will be able to leave a phone message for someone to call them back and take down their response over the telephone, should they not be able to complete a response form online.
- 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 Equality Impact Assessment (Appendix 6).

6. Conclusion

- 6.1 The Council is seeking to reduce the number of surplus places in primary phase schools through a programme of PAN reductions. In addition, the Council is seeking to increase the opportunity for pupils eligible for Free School Meals to attend a school of their preference by introducing a new admission priority 3 for secondary school admissions to LA maintained schools.
- 6.2 It is proposed to consult on making changes to nine schools potentially removing 240 places. This is in response to the council forecasting the number of surplus places to be over 450 places in both September 2025 and September 2026.
- 6.3 It is proposed that the Council seeks to consult on changes to the secondary school admission priorities to introduce a criterion that allows for Free School Meal eligible pupils to be offered places at the school up to the city average. This proposal may have the impact of reducing the opportunity for catchment area pupils to receive a place at the school. It is not proposed to change transport eligibility however the council is committed to a further wide ranging review of secondary school admission arrangements in the future to address the implication of falling pupil numbers.
- 6.4 The Council recognises that these proposals could challenge some schools' abilities to deliver specific strategies for children and young people at risk of

educational disadvantage. However, by taking action to reduce the number of unfilled primary school places it is hoped that schools will be more resilient and able to offer a full, vibrant curriculum and be able to provide the right support to pupils and families.

7. Financial implications

- 7.1 School budgets are determined in accordance with criteria set by the government and school funding regulations dictate that the vast majority (over 90% in 2023/24) of the delegated schools block of funding is allocated through pupil-led factors. This means schools with falling pupil numbers are likely to see reductions in annual budgets. This situation can be particularly challenging where pupil numbers in year groups fall well below the expected number, based on the PAN of a school.
- 7.2 Without planned reduction in PANs it will be challenging for primary schools to plan ahead for staff reductions and set balanced budgets. For the schools where reductions in PANs are proposed there will be direct implications and a need to plan future years' budgets to reflect lower pupil numbers in line with reduced PANs and the consequent impact this will have on budget allocations. However, planned reductions in PANs should mean schools are more likely to be able to balance their budgets if operating with full, or close to full, forms of entry.
- 7.3 The proposal to decrease the PAN across a number of schools is intended to reduce the number of surplus school places to safeguard and benefit the wider provision across the city. By reducing the number of surplus places in the city in the longer term there is an expectation that school occupancy rates will increase meaning that school budgets are more sustainable.

Name of finance officer consulted: Steve Williams Date consulted:
20/10/23

8. Legal implications

- 8.1 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.
- 8.2 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 2025/2026 must therefore be determined by 28 February 2024.
- 8.3 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 2024.

- 8.4 Admission Authorities may give priority in their oversubscription criteria to children eligible for the pupil premium (paragraph 1.41 of the School Admissions Code 2021). They should clearly define in their arrangements the categories of eligible premium recipients to be prioritised, in this case recipients of Free School Meals.
- 8.5 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 board of the affected school(s).

Name of lawyer consulted: Serena Kynaston Date consulted: (17/10/23)

9. Equalities implications

- 9.1 An Equality Impact Assessment has been carried out on the proposals being recommended to the committee. The assessment can be found at Appendix 6 and the results have been incorporated into the content of the report.
- 9.2 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.
- 9.3 However, the availability of school places across the city could have an impact on certain groups due to their proximity to certain schools and the availability of places should families make a late application.
- 9.4 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.
- 9.5 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.

- 9.6 It is recognised that to foster strong community cohesion school's intake should seek to reflect the city's diversity.

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 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.
- 10.5 Changes to PAN, which lead to a reduction in the number of classes the school has and the classrooms being used can lead to areas of a school being more efficiently managed in relation to energy use at a time of uncertain energy costs for schools.

11. Other Implications

- 11.1 The School Admissions Code requires all schools to have oversubscription criteria for each 'relevant age group' and the highest priority must be given, unless otherwise provided in the Code, to looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.
- 11.2 These priorities will ensure that for pupils who are care experienced, they will receive the highest priority for a place in a different school, should the school they currently attend close.

Supporting Documentation

1. Appendices

1. Pupil Forecasts
2. Admission Arrangements and Priorities

3. Published Admission Number
4. Primary coordinated scheme
5. Secondary coordinated scheme
6. Equality Impact Assessment