

# Brighton & Hove City Council

## Children, Families & Schools Committee

## Agenda Item 40

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

**Date of meeting:** 6 November 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 The purpose of this report is to inform the Committee of the responses to the statutory notice of the proposal to amalgamate Hertford Infant and Junior Schools to become a one form entry, all through primary school, and to seek approval of the proposal.
- 1.2 These changes are proposed to be achieved through the closure of Hertford Junior School and expanding the age range of Hertford Infant School from 4 – 7 years to 4 – 11 years from 1 September 2024 on the site of the current Hertford Junior School.

### **2. Recommendations**

- 2.1 That Committee notes the responses to the publication of statutory notices between 15 September and 15 October 2023.
- 2.2 That Committee agrees to the proposal contained in the statutory notice to amalgamate Hertford Infant and Junior Schools to become a one form entry, all through primary school, through the closure of Hertford Junior School and expanding the age range of Hertford Infant School from 4 – 7 years to 4 – 11 years from 1 September 2024 on the site of the current Hertford Junior School.

### **3. Context and background information**

- 3.1 At its meeting on 11 September 2023 the Children Families and Schools Committee agreed to publish the statutory notice required to progress the proposal to amalgamate Hertford Infant and Junior Schools to become an all through primary school with a single admissions process on the site of the current junior school.

- 3.2 The technical process of achieving an amalgamation involves the closure of one school and expanding the age range of the other. The proposal takes forward the working arrangements of both Hertford Infant and Hertford Junior schools under a federated governing board to create a one form entry primary school on one site.
- 3.3 This approach supports the work in the city to address falling pupil numbers and the financial challenges faced by schools as outlined in previous reports to Committee.
- 3.4 The period of statutory notices brought forward a total of 26 responses via the Council's consultation portal and one hand delivered submission. Of the responses received 2 replies strongly or tended to agree with the proposal and 25 strongly or tended to disagree with the proposal.
- 3.5 Fifteen of the responses that disagreed with the proposals were recorded as local residents or a parent/guardian not affected by the proposals. Concerns were raised about the lack of future proposals for the Hertford Infant School site, the extra travelling distance for families, the benefits of a separate infant and junior education, the views of the local community having been ignored and not reported clearly enough with limited information about the school's onward viability not being provided. It was also stated there could be an increased risk of academisation should the proposal go through.
- 3.6 The two responses that strongly or tendered to agree were from parent guardians affected by the proposals.
- 3.7 The Council remains mindful of the financial position across both schools and the explanations put forward previously about the ongoing viability of the schools as separate entities. Both settings have licensed deficits that would be expected to rise in future years should no change take place. The Governing Board across the two schools have previously stated their support for these proposals to secure the longer-term future of primary provision in Hollingdean.

#### **4. Analysis and consideration of alternative options**

- 4.1 The report to the Committee at its 11 September 2023 meeting set out alternative options, including retaining separate infant and junior schools. The report set out the reasons why this was not the preferred option, based on the council's approach to support moves to create all through primary schools and the general support for the proposal which had been demonstrated through the consultation and through dialogue with the school's leadership team and governing board.
- 4.2 The publication of statutory notices brought forward the considerations in paragraph 3.5 including concerns about the lack of proposals for the Hertford Infant School site and the loss of a community space. Extra travelling distance for families, the benefits of a separate infant and junior education and concerns that the views of the local community had been ignored and not reported clearly enough earlier in the process.
- 4.3 In light of the support of the federation's leadership it was felt appropriate to continue to recommend proposals to create a one form entry primary school

to maintain a 'Hertford' offer of education for those living in the vicinity of both schools.

## **5. Community engagement and consultation**

- 5.1 Consultation with staff, governors, parents and the wider community on the proposed amalgamation of Hertford Infant and Junior Schools was carried out during June and July 2023 and the outcomes of this consultation were reported to the Committee on 11 September 2023.
- 5.2 At this meeting the Children, Families & Schools Committee authorised the Executive Director of Families, Children & Learning to proceed to publish the required statutory notice for the amalgamation of Hertford Infant and Junior Schools into an all through primary school. The subsequent representation period of four weeks was the final opportunity for interested people and organisations to express their views on the proposals.
- 5.3 Statutory notices were published in the Argus newspaper on 15 September 2023. In addition, notices were displayed at the entrances to the schools and at other places used by the community, including the local Sure Start centre, a doctors surgery and a local pharmacy. The statutory notice stated how the full information on the proposal could be obtained.
- 5.4 The statutory notice forms part of the full proposal. Copies of the full proposal were sent to the governing body of both schools, the Anglican and Catholic dioceses, local ward members, the Children Families and Schools Committee, the Member of Parliament for Brighton Pavllion and the Department for Education (DfE). Copies of the complete proposal would have been made available to anyone who requested a copy during the publication period.
- 5.5 The closing date for receipt of representations or objections was 13 October 2023.
- 5.6 During the statutory notice period there were 27 responses received about the proposal.

## **6. Conclusion**

- 6.1 The Council has a statutory duty to secure a school place for any child in its area that wants one. The amalgamation of the two schools will mean there is no need to apply to the Brighton & Hove City Council's Admissions Team at the point of transfer between infant and junior school.
- 6.2 The Council notes the responses made during the representation period and the fact that the majority of the respondents who disagreed with the proposals were not stakeholders likely to be directly affected by the proposals.
- 6.3 The proposed all through primary school has the support of the Hertford Federation, supports efforts to address the number of surplus school places in the city and supports the efforts to address the financial challenges facing both Hertford Infant and Hertford Junior schools. For these reasons, it is recommended that the Committee approves the proposal.

## **7. Financial implications**

- 7.1 There are no direct financial implications relating to the responses to the statutory notices.
- 7.2 Financial implications linked to the proposed amalgamation are as set out previously in the September committee report.

Name of finance officer consulted: Steve Williams Date consulted: 05.10.23

## **8. Legal implications**

- 8.1 The Education and Inspections Act 2006 provides that the Local Authority is the decision maker on any proposals to close or make prescribed changes to maintained community schools. The Children, Families and Schools Committee will act as the decision maker for the Local Authority on these proposals. The decision needs to have been made within two months of the end of the representation period i.e. by 13 December 2023. The exact process by which the decision maker carries out their decision making process is not prescribed, however it must have regard to the statutory Guidance published by the DfE "Opening and Closing maintained schools" and "Making significant changes ('prescribed alterations') to maintained schools," January 2023.
- 8.2 These proposals are related so the proposal to close Hertford Junior School must be considered and determined at the same time as the proposal to expand Hertford Infant School on the site of the junior school. The Guidance states that the decision-maker should be satisfied that the proposer has carried out the requirements of the statutory process satisfactorily and should have due regard to the responses received during the representation period. Decision makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).
- 8.3 When issuing a decision the decision-maker can:
- reject the proposal;
  - approve the proposal without modification;
  - approve the proposal with modifications, having consulted the LA;
  - approve the proposal-with or without modification- subject to certain prescribed conditions being met.

Name of lawyer consulted: Serena Kynaston Date consulted 19.10.2023

## **9. Equalities implications**

- 9.1 An Equalities Impact Assessment has been undertaken and has been included as Appendix 1
- 9.2 It is forecast that the proposal to create a one form entry primary school will ensure that there are sufficient school places in the area to meet the needs of parents who wish for their children and for the school to be able to

operate in a financially efficient way that ensures the school can maintain a quality education experience for pupils.

- 9.3 The consultation responses did not indicate any significant negative impacts on people because of their protected characteristics.
- 9.4 There are provisions in place to meet the needs of children with Special Educational Needs and disabilities including those who may not reasonably be expected to walk to that school because of their special educational needs, disability or mobility problem, even if they were accompanied by their parent.
- 9.5 A financially viable school is essential to be able to meet the needs of all those pupils who attend the school and to be able to meet the needs of the community and the inequalities they may experience.

## **10. Sustainability implications**

- 10.1 Bringing the school into one building is expected to minimise energy and water usage whilst also ensuring greater use of the biodiverse areas at the junior school site.
- 10.2 Consideration will need to be given to the use of the vacant school site should the proposals be agreed so that the negative impacts on the current habitat are minimised and the future use of the accommodation and the site reflect sustainability principles.

## **Supporting Documentation**

### **1. Appendices**

- 1. Equalities Impact Assessment

