

# Brighton & Hove City Council

## Children, Families & Schools Committee

## Agenda Item 48

**Subject:** School Admission Arrangements 2025-26

**Date of meeting:** 22 January 2024

**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 details the proposed school admission arrangements for the city's schools, for which the Council is the admission authority, for the academic year 2025-26.
- 1.2. The report details the outcome of the consultation undertaken in November and December 2023 on the proposed changes to the Published Admission Number of nine primary schools and the inclusion of a new priority criteria for secondary school applications in the event of oversubscription.
- 1.3. The Committee will be asked to approve the recommendations in this report and determine the admission arrangements, including the scheme for coordinated admissions and the "relevant area" for the academic year 2025-26.

### 2. Recommendations

- 2.1. That Committee agrees to make no changes to the Council's school admission arrangements or secondary school catchment areas, except for the changes listed in sub- paragraphs 2.2- 2.8 below.
- 2.2. That Committee agrees to change the Published Admission Number (PAN) of Brunswick Primary School from 120 to 90.
- 2.3. That the Committee agree to change the Published Admission Number (PAN) of Goldstone Primary School from 90 to 60.
- 2.4. That the Committee agree to change the Published Admission Number (PAN) of Patcham Infant School from 90 to 60.
- 2.5. That the Committee agree to change the Published Admission Number (PAN) of Saltdean Primary School from 90 to 60.

- 2.6. That the Committee agree to change the Published Admission Number (PAN) of Stanford Infant School from 90 to 60.
- 2.7. That the Committee agree to change the Published Admission Number (PAN) of St Luke's Primary School from 90 to 60.
- 2.8. That the Committee agree to change the admission priorities for Brighton & Hove community secondary schools to include a new priority for pupils eligible for Free School Meals (up to the city average percentage). The details of the change can be found in Paragraph 3.71.
- 2.9. That the Committee agree to make no change to the Published Admission Number (PAN) of Queen's Park Primary School.
- 2.10. That the Committee agree to make no change to the Published Admission Number (PAN) of Rudyard Kipling Primary School.
- 2.11. That the Committee agree to make no change the Published Admission Number (PAN) of Woodingdean Primary School.
- 2.12. That the Committee agree to make no change to the "relevant area".

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

- 3.1. 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. This includes parents of children between the ages of 2 and 18; 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 within the relevant area and any adjoining neighbouring local authority areas, where the admission authority is the local authority.
- 3.2. The Council has a statutory duty to ensure there are a sufficient number of school places for pupils and that places are planned effectively. Pupil numbers overall across the city have been falling and are forecast to continue to fall over the next few years. Since the consultation started the Council has updated its forecast of future pupil numbers and more detail is provided in paragraph 3.7-3.11.
- 3.3. Schools are funded by the Government, not the Council. The funding is largely done on a per-pupil basis and nearly all of it covers staffing costs. If schools don't have enough pupils attending or suffer from fluctuating numbers, they may not be able to operate in a financially efficient way and risk entering a budget deficit. 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 school and the Council's own budget.

- 3.4. This comes at a time when the Council is facing several other financial pressures and without taking action to reduce the number of unfilled places in the city it will place greater risk on the Council's own funding to meet the gap in funding between budget surplus held by some schools and budget deficits held by others. Currently it is forecast that these amounts balance each other out. However, based on 2023/24 final budget plans submitted by schools, 33 out of 61 schools are forecasting a deficit position at the end of the financial year.
- 3.5. These proposals come at a time when the Government is raising awareness of the need to carefully consider how best to approach the drop in pupil numbers. Baroness Barran, Minister for the School System and Student Finance, has urged "caution" over closing schools in the face of falling pupil numbers. In addition, Lara Newman, Chief Executive of LocatED, the Department for Education's property company, cautioned against selling school sites and ensuring school space is not "permanently lost from the education system".
- 3.6. As such, the Council will only consider school closures as a last resort when there are no other viable alternatives. The Council is therefore seeking to manage the significant fall in pupil numbers across the city by reducing the Published Admission Number of some schools in the city. As it is ultimately for local authorities and academy trusts to balance the supply and demand of school places, in line with changing demographics by reducing or re-purposing high levels of spare capacity, in order to avoid undermining the educational offer or financial viability of schools in the area.

## Pupil Projections

- 3.7. Appendix 1 provides the most recent estimates made by the council of future pupil numbers of children starting school, up to 2027. Across the city, it is forecast that the number of children needing a school place will continue to fall until, at least, September 2027.

Starting School Year	Number of places required
2025	1970
2026	1953
2027	1787

- 3.8. There are currently 2610 Reception places in the city's schools. If the proposals contained in this report are agreed and proposals to close two primary schools by 31 August 2024 are also agreed there will be a reduction of 240 starting school places by September 2025.
- 3.9. Across the city's 8 planning areas the number of unfilled places vary with the highest percentage found in the Portslade, Deans and Central City

planning areas. The least number of unfilled places are in the City North, City East and Patcham planning areas.

- 3.10. The Council has also updated its secondary school pupil forecasts following receipt of the October census data from schools. Appendix 6 provides details of the forecast numbers in each secondary school catchment area. The methodology used was reviewed in 2015 and informs the projection of pupil numbers to 2030. The Council has continued to apply this methodology to 2034 but it has not been subject to any review.
- 3.11. It is forecast that in 2025, there will be 2279 secondary school places required in the city. These figures continue to drop as outlined in the table below. There are currently 2560 secondary school places available.

Year of entry	Number of places required
2025	2279
2026	2270
2027	2231
2028	2217
2029	2114
2030	2011

## Consultation

- 3.12. On the 6 November 2023, the Children, Families & Schools Committee agreed to undertake a public consultation on the Council's proposed admission arrangements for September 2025.
- 3.13. The public consultation ran between 7 November 2023 – 22 December 2023, there were 22 public meetings and 1511 responses to the online consultation were received. Two meetings were arranged for each school featured in the proposals, one during the daytime and one in the early evening. For the secondary proposals there were three evening online meetings. In addition, there were 76 direct responses to the council's School Organisation and School Admissions email accounts about the admissions arrangement proposals. Approximately 385 people attended meetings held during the consultation period, many people attended more than one meeting. The Council also publicised the consultation by issuing press releases and advertising on social media.
- 3.14. An offer was made for parents to contact the Council to discuss the proposals and provide a verbal response to the consultation that could be recorded by officers; however, this offer was not taken up by any respondents.
- 3.15. Additionally, the Council endeavoured to encourage responses to the consultation from groups in the city who might not usually participate in consultations on school admissions. The Parent and Carer Council and Amaze issued information to parents in their community about the proposals and consultation and EMAS (Ethnic Minority Achievement

Service) provided information, advice and assistance to complete the consultation to families through their Home:School Liaison workers.

3.16. Of all the 1435 responders, via the online portal, who commented on the question about reducing the total number of surplus school spaces in the city the vast majority strongly disagreed with the Council, as outlined in the table below.

Option	Total	Percent
<b>Strongly agree</b>	142	9.9%
<b>Tend to agree</b>	223	15.6%
<b>Neither agree nor disagree</b>	118	8.2%
<b>Tend to disagree</b>	138	9.6%
<b>Strongly disagree</b>	762	53.1%
<b>Don't know / not sure</b>	52	3.6%
<b>Total</b>	1435	

3.17. Reasons for opposing the proposals included:

- concerns that the Council was taking a short-term approach and ignoring the benefits of small class sizes,
- the accuracy of pupil forecasts and need for more places in the future,
- disagreement with the methodology used in deciding where to seek to reduce the spare places,
- criticism of the Council in putting too many proposals forward in one go,
- the impact on reducing parental preference which would result from the proposals.

3.18. The majority of responders to the consultation, who provided further information, detailed that they were a parent or guardian of a child(ren) directly affected by the proposed changes with approximately 60% of all responders being from this group.

Option	Total	Percent
Brighton & Hove resident	219	14.49%
Parent or guardian of a child(ren) directly affected by the proposed changes	902	59.70%
Parent or guardian of a child(ren) not directly affected by the proposed changes	251	16.61%
Teacher in one of Brighton & Hove schools	50	3.31%
Governor at one of Brighton & Hove schools, please give detail below	14	0.93%

Representative of a voluntary or community group, please give details below	13	0.86%
Other, please give details below	40	2.65%
Not Answered	22	1.46%
Option	Total	Percent

3.19. The following table details the level of support for the proposals in each school.

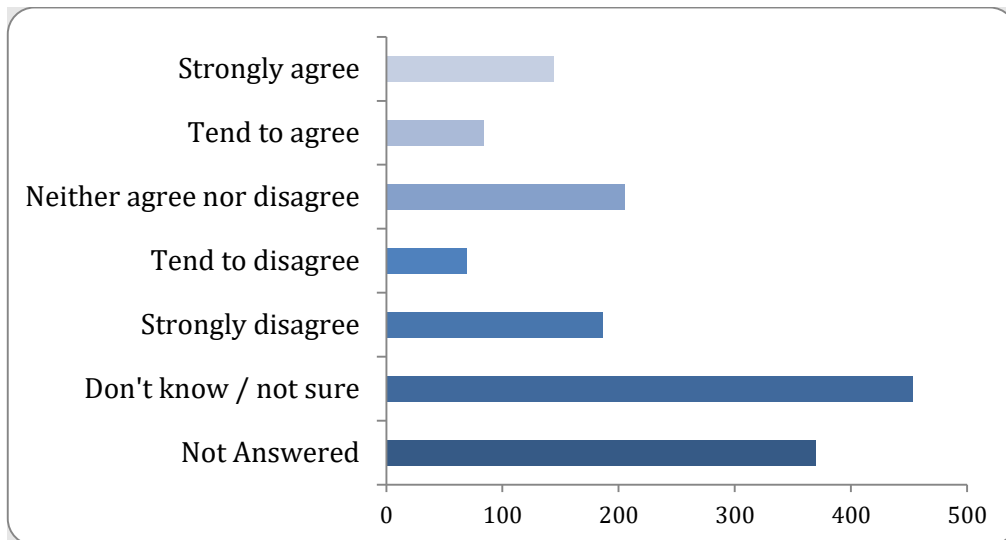
School	% of responses who strongly or tended to support the proposal
Brunswick Primary School	20.0%
Queen's Park Primary School	17.2%
Saltdean Primary School	16.2%
Rudyard Kipling Primary School	16.0%
Patcham Infant School	15.7%
Stanford Infant School	15.7%
Woodingdean Primary School	15.3%
Goldstone Primary School	15.0%
St Luke's Primary School	14.7%

3.20. Most proposals in the consultation received a majority of responses against the proposals, with the exception being the introduction of a new secondary school admission criteria for Free School Meals. The level of opposition to the proposed PAN reductions at each school is set out below:

School	% of responses who strongly or tended to disagree with the proposal
Patcham Infant School	48.6%
St Luke's Primary School	48.3%
Goldstone Primary School	38.9%
Stanford Infant School	30.0%
Queen's Park Primary School	28.1%
Woodingdean Primary School	26.9%
Rudyard Kipling Primary School	24.2%
Saltdean Primary School	23.4%
Brunswick Primary School	22.3%

### **Brunswick Primary School**

3.21. There were 1141 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in the table below. In total 228 respondents tended to agree or strongly agreed with this proposal compared to 255 respondents who strongly disagreed or tended to disagree with this proposal. 823 respondents didn't offer an opinion or didn't answer the question.

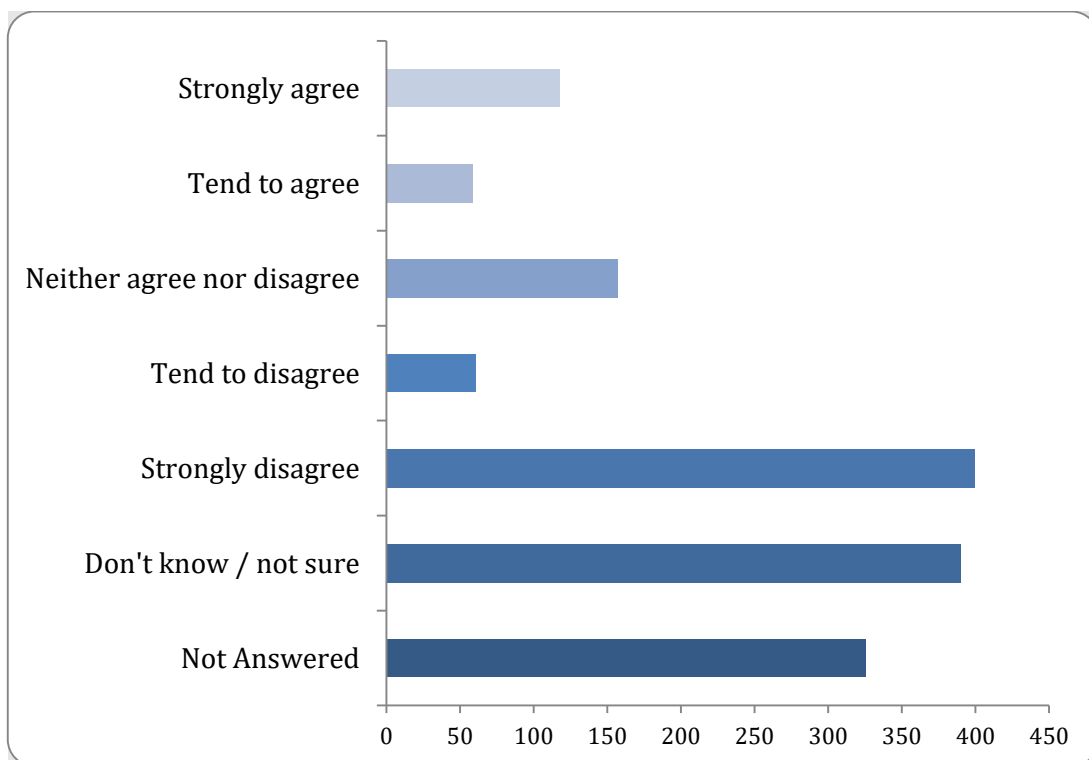


3.22. Comments provided in relation to the proposal highlighted that there were more undersubscribed schools than Brunswick, that the proposed reduction of places at the school and at Stanford Infant School would reduce the offer of secular education in the area, leading to more non-faith children attending faith schools, and concerns that the Council had not fully considered the impact of new homes in the Hove area. Others who responded considered the school too big at present and with spaces in year groups it would be logical to reduce its PAN especially as there are other schools near Brunswick.

3.23. No members of the public attended the public meetings and the school did not make a formal representation to the Council but had previously outlined its support for the proposed change in PAN.

### **Goldstone Primary School**

3.24. There were 1185 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in the table below. In total 177 respondents tended to agree or strongly agreed with this proposal compared to 461 respondents who strongly disagreed or tended to disagree with this proposal. 716 respondents didn't offer an opinion or didn't answer the question.



3.25 Comments provided in relation to the proposal highlighted that the school is oversubscribed with total preferences, that it is a thriving community school which allows it to provide a number of other services and opportunities which could be put at risk, that by reducing the school's PAN families would be denied places at the school and that there would be a negative impact on the services which the school would be able to provide.

3.26 The school made a formal representation during the consultation which expressed concern at the Council's approach whilst acknowledging the complex responsibility that the Council had to resolve. The Governing Board did not see that the school meet the Council's criteria for inclusion in the proposals and saw the proposals as limiting parents' opportunity to attend a community school, thereby narrowing the diversity of its intake, negatively impacting on the school's financial position and the wide range of support it is able to provide.

3.27 The school also drew attention to the Council's decision to seek to reduce the school's PAN from 90 to 60 in 2021. The reason for seeking the reduction that year had similarly related to the falling numbers of primary school pupils in the city. The Council had been seeking to avoid the need for any school closures by addressing the fall in pupil numbers in a fair and equitable way across all schools in the city, thus ensuring that parents would still have a range of neighbourhood schools to choose from. The Governing Board had formally objected to the Schools Adjudicator who subsequently overturned the Council's decision. One of the reasons put forward by the School's Adjudicator in support of their decision was that there was no evidence that any school was at risk of closure if the number of vacant places in the local authority was not reduced.



3.28 The Council believes that the situation in 2024 is very different. The number of vacancies in schools has increased to such an extent that the Council is proposing the closure of two primary schools in the city from September 2024, and additionally the reduction in PAN at six schools across the city.

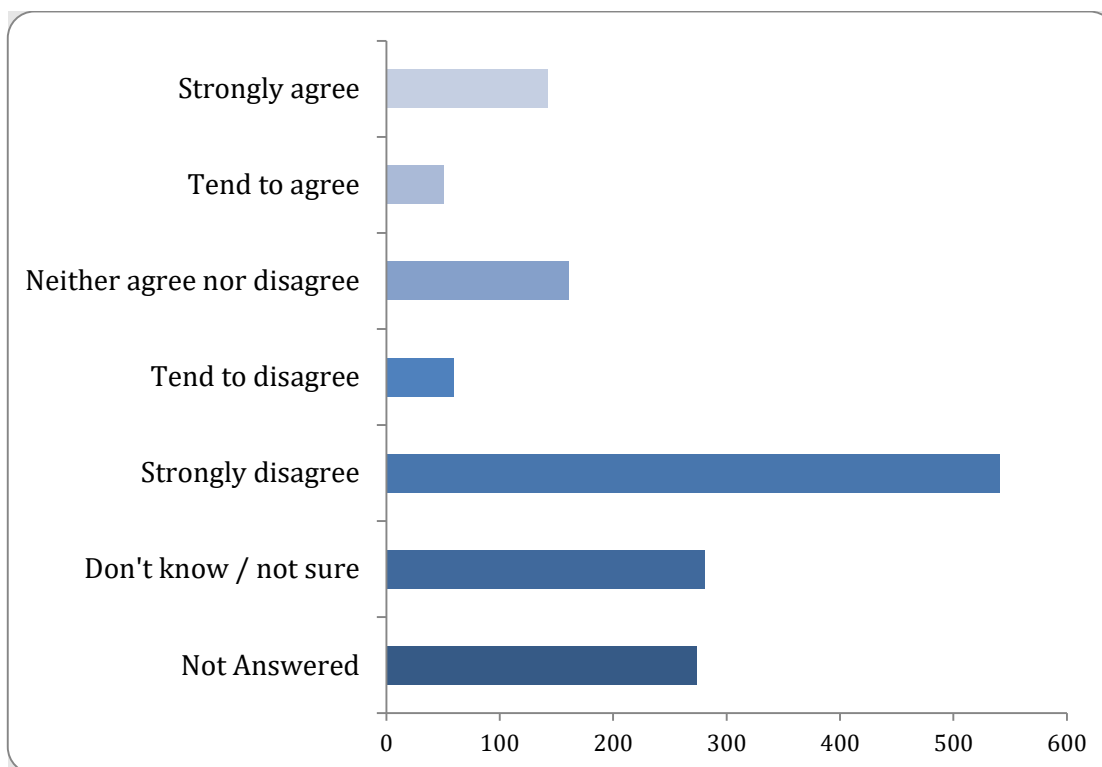
3.29 The Council is mindful of the provisions contained in paragraph 1.3 of the School Admissions Code 2021 which state that if the PAN of a community school is set lower than the school would wish, and the Governing Board objects, in making a determination the Schools Adjudicator must have regard to the strong presumption in favour of an increase in the PAN. The Council is fully cognisant of the fact that a reduction in the PAN would result in a potential frustration of parental preference but is of the view that the justification for a reduction is now powerful; the overall situation in the city has significantly worsened since 2021 and it is now vital that the Council takes action to reduce the number of school places across the city.

3.30 The table below shows the number of on time first preferences the school received in the last 3 years.

PAN	Number of on-time 1st preferences		
	2023	2022	2021
90	86	80	82

### **Patcham Infant School**

3.31. There were 1237 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in the table below. In total 194 respondents tended to agree or strongly agreed with this proposal compared to 601 respondents who strongly disagreed or tended to disagree with this proposal. 555 respondents didn't offer an opinion or didn't answer the question.



3.32. Comments provided in relation to the proposal highlighted the need to ensure that there are sufficient school places for those who live in the community of Patcham. In addition, there was concern that the forecasting of future numbers does not take account of the popularity of the area and the changing demographic with more families moving into the area and requiring local school places. There was also concern that this proposal would impact negatively on the junior school and that there could be an ulterior motive to introduce primary education in the area. Concerns were expressed about unrealistic journeys to an alternative school if there were not enough places at Patcham which, based on the popularity of the school now and its thriving nursery, was felt to be a possible outcome if the proposal to reduce the PAN is agreed by Committee.

3.33. The school made a formal representation to the Council as did the linked junior school. The infant school were concerned about the Council's 'opaque reasoning' in considering a reduction in the school's PAN, and a consultation which they considered to be rushed. They also expressed the view that the proposals appeared to be at odds with other Council priorities. In their view the Council's citywide approach did not reflect realistically on the Patcham area itself, as the school is popular, and oversubscribed. There were concerns that insufficient time would be committed to reviewing the responses to the consultation and that the proposal would make the school smaller than a one form entry primary school.

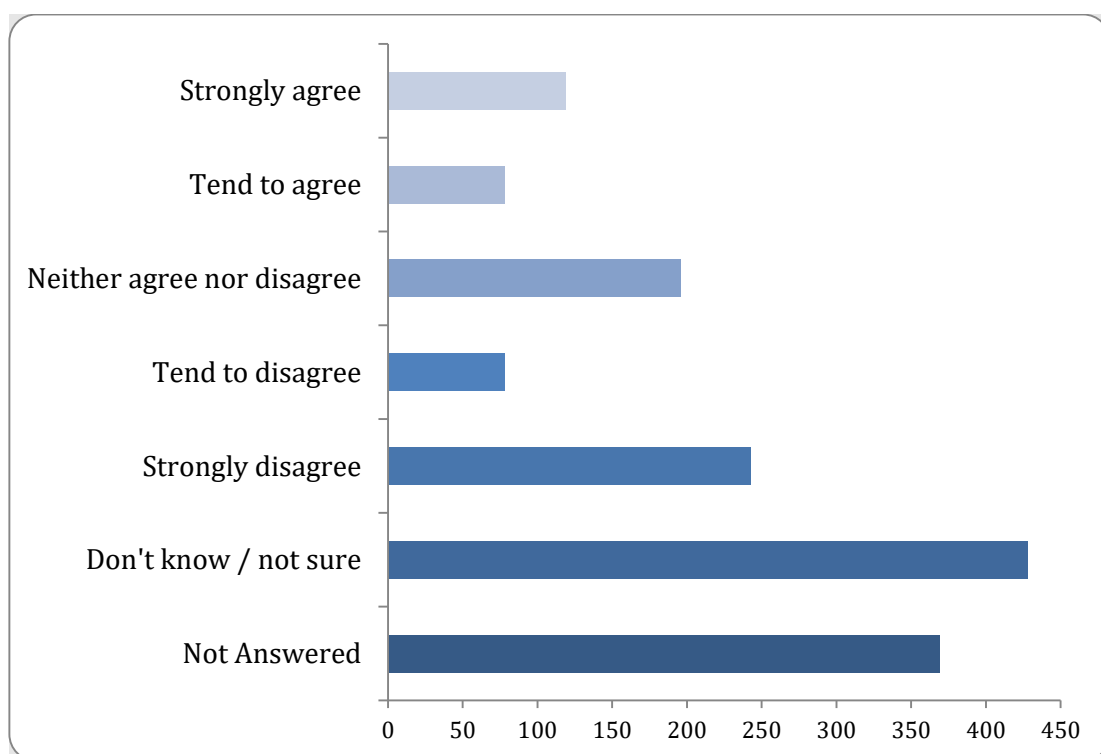
3.34. The table below shows the number of on time first preferences the school received in the last 3 years:

PAN	Number of on-time 1st preferences		
	2023	2022	2021
90	77	87	84

3.35. The junior school highlighted that the schools served a distinct community and that the range of family homes made the area an attractive proposition for families to move into, thereby holding up pupil numbers into the future. The response recognised the high level of preferences for the school and the impact that increased travel would have should families not get a place at a local school.

### Queen’s Park Primary School

3.36. There were 1142 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in the table below. In total 197 respondents tended to agree or strongly agreed with this proposal compared to 321 respondents who strongly disagreed or tended to disagree with this proposal. 797 respondents didn’t offer an opinion or didn’t answer the question.



3.37. Responses to the consultation highlighted the disproportionate impact on the school of being asked to make a 50% reduction in capacity as well as the planning area having to have more places removed relative to the number of unfilled places forecast. Concerns were raised about political representation given recent news about one of their ward councillors and that the school was being adversely affected just when it was seeing the improvements introduced by the recently appointed Headteacher. It was felt that families would be denied a 2-form entry school option and families who move into the area at alternative time to the year might need to travel

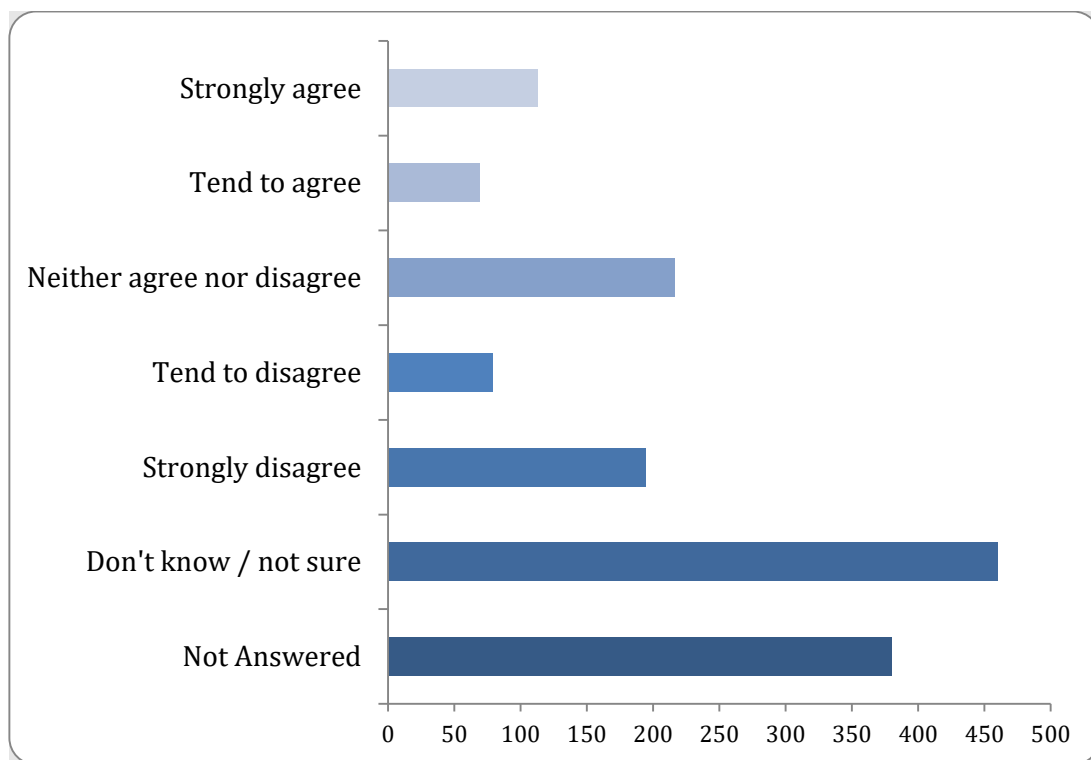
further for a school place, especially as the school supports the area where staff working at the hospital are often located. There was concern that the school would not have as diverse an intake if its PAN was reduced. The Resident's Association for St Luke's felt that there was a disproportionate impact on the area served by both Queen's Park and St Luke's schools and that more time was needed to be able to consider the options for this part of Brighton.

3.38. The school made a formal representation to the Council on the proposal and expressed concern in the absence of clear criteria as to why the school was chosen, the impact the timing of the consultation would have on those applying for places for September 2024 and suspicion that this was a proposal that would lead to a future decision to close the school. In addition, the school highlighted the need to consider all options for its future and felt that the proposal could produce inequality across the schools in the area especially if other schools were to have a reduction put in place but successfully objected to the Schools Adjudicator.

3.39. Having given due consideration to the fact that this proposal would have created an additional one form entry primary school, that the school is not in a budget deficit and that there is concern a change in PAN may impact on the positive improvement trajectory the school is following, it is recommended not to implement a change in PAN.

### **Rudyard Kipling Primary School**

3.40. There were 1131 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in the table below. In total 182 respondents tended to agree or strongly agreed with this proposal compared to 273 respondents who strongly disagreed or tended to disagree with this proposal. 840 respondents didn't offer an opinion or didn't answer the question.



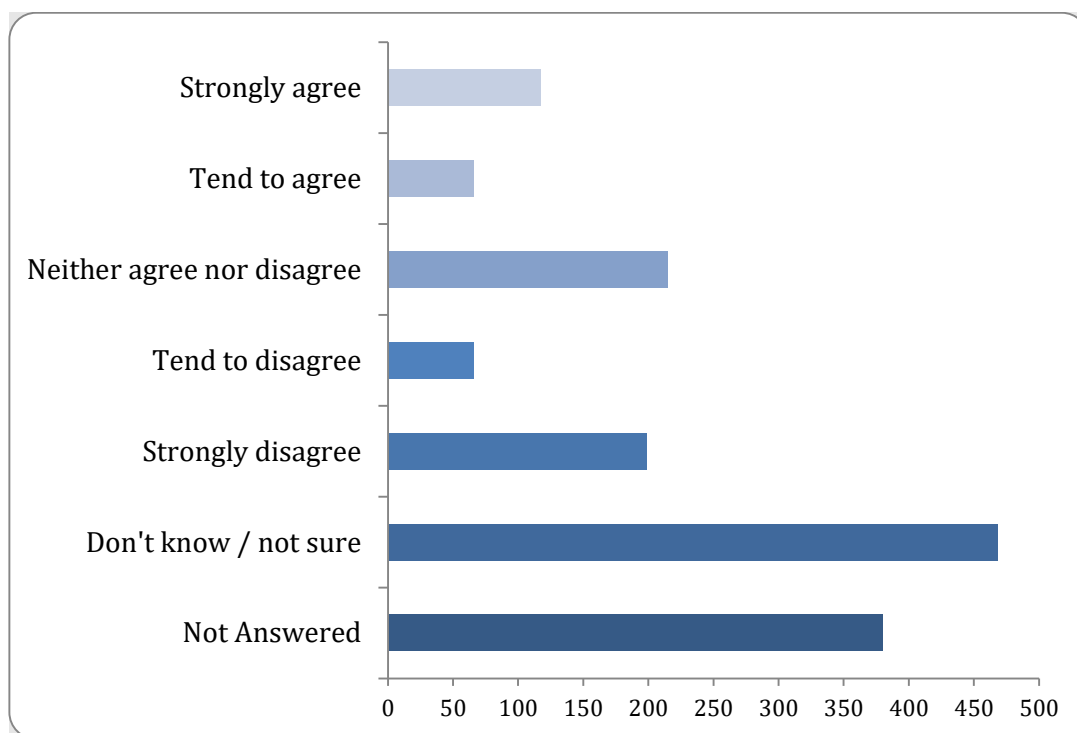
3.41. Responses to the proposal highlighted the fact that responders felt that the school served a distinct community, alongside Woodingdean Primary School. There was also concern about the implications of having a PAN of 45 including mixed age teaching and the potential of having to have a second class in alternate years that would have an impact on the school's budget. The public meetings did not have significant representation from the local community.

3.42. The school did not make a formal representation to the Council but had previously outlined its understanding and acceptance for the proposed change in PAN whilst outlining their concern that the schools serving the Woodingdean community should be treated equitably. As a result of the representation made by the Governing Board of Woodingdean Primary School to the proposal to reduce that school's PAN to 45 the school made its views known to the Council that it could not endorse a change of PAN.

3.43. The Council recognises that the Woodingdean area serves a distinct community, although it notes Woodingdean Primary School's reference to the ability for families outside of the area to utilise bus routes so that children outside the area could attend the school if they wish. As a result, changes in PAN in this area do not affect areas of the city where the largest number of unfilled places occur. In addition, the Council wants to see greater collaboration and harmonisation between the two schools for the benefit of all Woodingdean residents. This is considered to be at risk if a change in PAN was implemented across both schools. Therefore, it is recommended that no change is made to the PAN of Rudyard Kipling Primary School.

## Saltdean Primary School

3.44. There were 1131 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in the table below. In total 183 respondents tended to agree or strongly agreed with this proposal compared to 265 respondents who strongly disagreed or tended to disagree with this proposal. 848 respondents didn't offer an opinion or didn't answer the question.



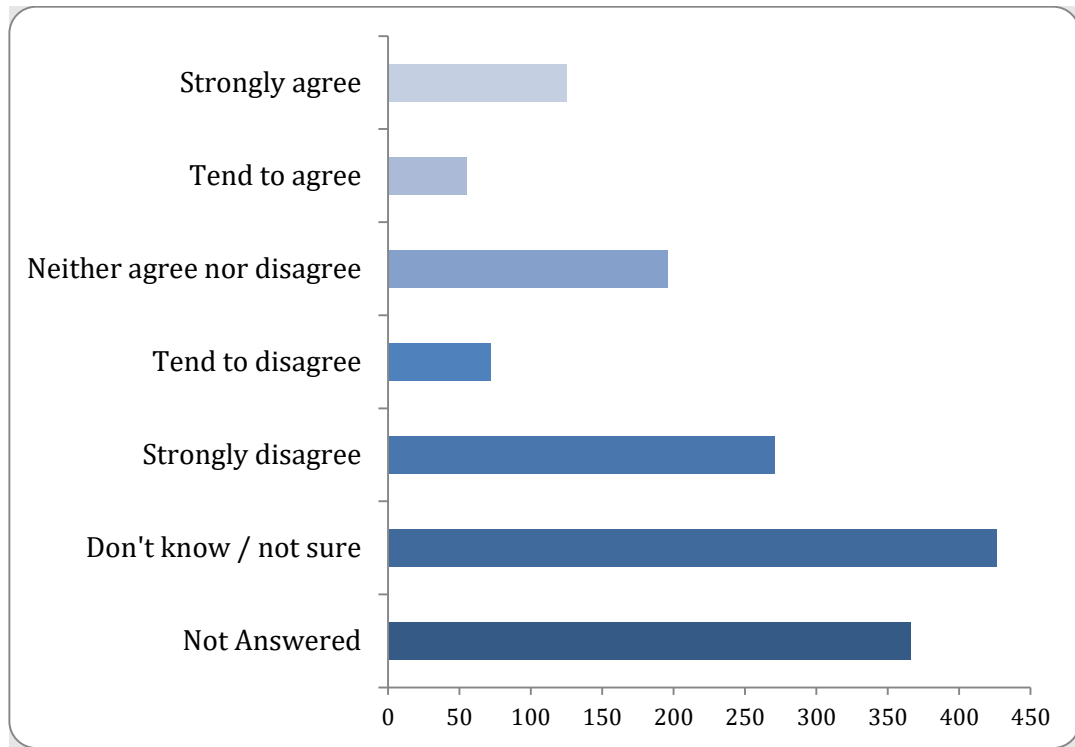
3.45. Low numbers of the public attended the public meeting about the proposal to reduce the PAN at Saltdean Primary School. In the consultation responses concern was expressed regarding the ability to meet the demand for places from those living in the Saltdean community should the school's PAN be reduced as well as a concern that as a school serving a distinct community that attracted families, the number of children living in the area may rise in future years particularly as the school had only recently been expanded to cater for rising pupil numbers in previous years. Observations were also made about the quality of education in nearby schools, outside of Brighton and Hove, and how that may impact on the number of applications in future years.

3.46. The school did not make a formal representation to the Council but has previously outlined its support for the proposed change in PAN.

## Stanford Infant School

3.47. There were 1145 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in the table below. In total 180 respondents tended to agree or strongly agreed

with this proposal compared to 343 respondents who strongly disagreed or tended to disagree with this proposal. 792 respondents didn't offer an opinion or didn't answer the question.



3.48. Responses to the consultation highlighted the affection and high regard that the school is held in and the wish that children should still have the opportunity of a separate infant and junior education in the city. There was concern that a unilateral decision about the infant school would have consequences for the junior school as well as being based on questionable forecasting of pupil numbers that did not take account of where pupils live, who attends the school and the fact that there are limited secular school places for families in the area if the school was reduce its PAN. The proposal would also frustrate parental preference as there would not be as many places available at the school.

3.49. The table below shows the number of on time first preferences the school received in the last 3 years:

PAN	Number of on-time 1st preferences		
	2023	2022	2021
90	59	84	72

3.50. The school made a response to the Council and whilst recognising the issue facing the Council regarding excess school places it felt that there had not been enough consideration of the school's particular circumstances. The school emphasised the greater proportionate impact of a reduction in 30 places at an infant school, as the proposal would reduce it to a size smaller than a one form entry primary school. Concerns were raised that it would hamper the education that the school is currently able to deliver and the

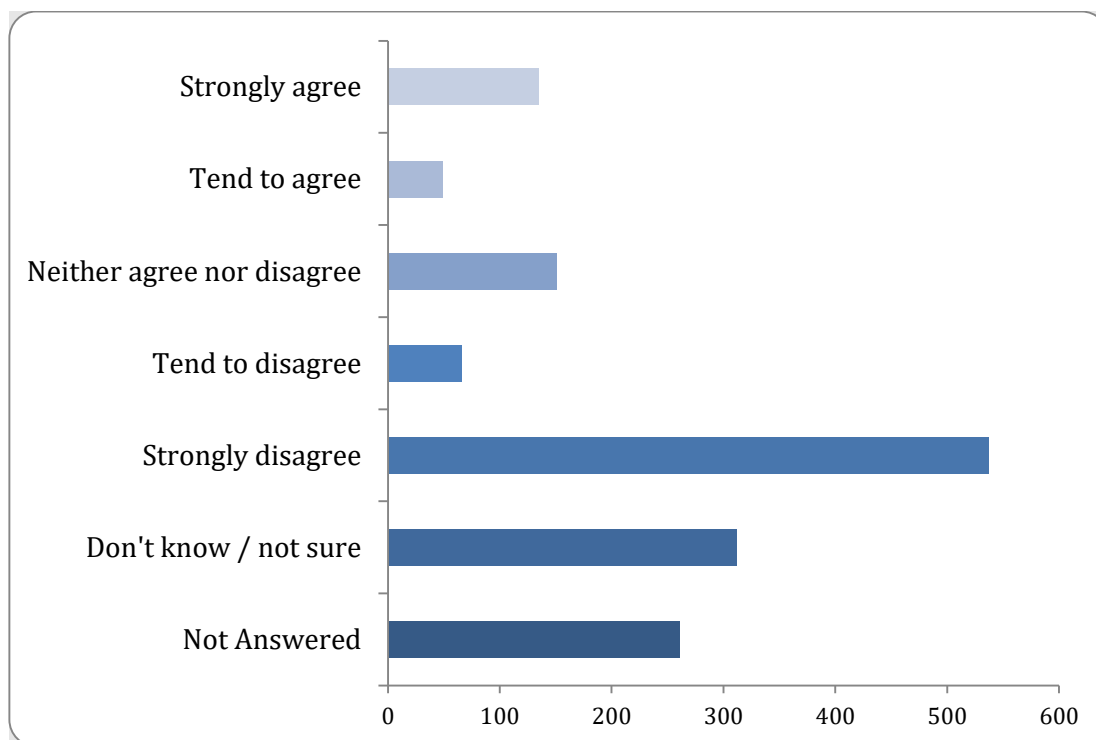
standard that the school is able to reach, alongside limiting the opportunities for new families when the impact of siblings is taken into consideration. The school were concerned for their future viability, the costs of redundancy and the absence of clarity from the Council about the support it would put in place alongside a desire to better understand the pattern of parental preference including the preferences for September 2024 before decisions are made.

- 3.51. As with Goldstone Primary School above, the Council sought to reduce the PAN of Stanford Infants from 90 to 60 in 2021. The governors objected to the Schools Adjudicator who upheld their complaint and ordered that the PAN should remain at 90. Again, one of the reasons put forward by the School's Adjudicator in support of their decision was that there was no evidence that any school was at risk of closure if the number of vacant places in the local authority was not reduced.
- 3.52. As set out above the situation in 2024 is very different as the Council is now proposing that two primary schools are closed alongside the reduction in PAN at six schools across the city.
- 3.53. Again, the Council is mindful of the provisions in the School Admissions Code 2021 regarding the frustration of parental preference however would submit that the circumstances have changed since 2021. As can be seen from the table above the number of first preferences has significantly reduced to 59 in 2023. If numbers remain at a similar level, there will be little or no frustration of parental preference. As stated above the justification for a reduction is now much stronger as the overall situation in the city regarding vacant places has significantly worsened since 2021.

### **St Luke's Primary School**

- 3.54. There were 1250 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in the table below. In total 184 respondents tended to agree or strongly agreed with this proposal compared to 603 respondents who strongly disagreed or tended to disagree with this proposal. 573 respondents didn't offer an opinion or didn't answer the question.





3.55. Responses received concerned a perceived lack of clarity as to why the school met the Council’s criteria for selection for reduction in PAN and criticism that the Council would be reducing the number of places at an Ofsted rated Outstanding school which has high levels of parental preference. Reduction of the PAN would deny people a place at a school held in high esteem by the local community. Similar concerns were expressed to those received in relation to the proposed reduction at Queens Park Primary School regarding the removal of 60 places from the planning area. This was seen as a disproportionate response to the number of unfilled places. It was highlighted that it would reduce the number of larger schools in the city and impact on the support and approach the school provided which was considered unique and special by a number of responders. It was also felt that the reduction in places would narrow the availability of places at the school and create more journeys for those who would previously have been offered a place at the school. Mention was made of the recent capital investment in the building.

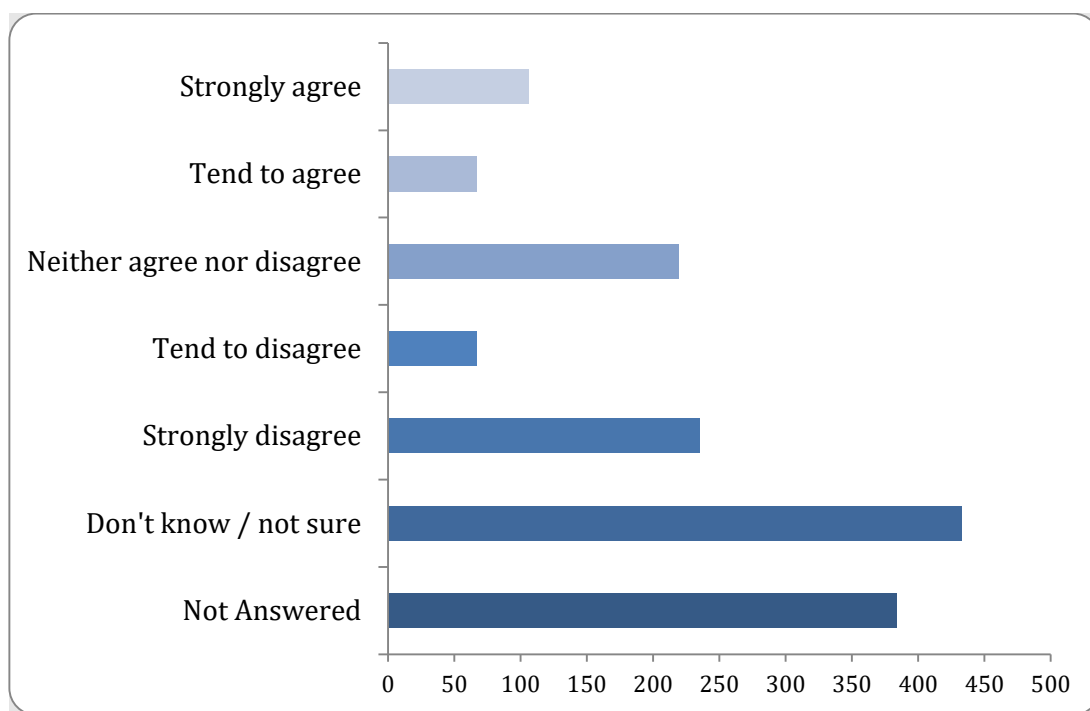
3.56. As previously stated, the Resident’s Association for St Luke’s felt that there was a disproportionate impact on the area served by both Queen’s Park and St Luke’s schools and that more time was needed to be able to consider the options for this part of Brighton.

3.57. The table below shows the number of on-time first preferences the school received in the last 3 years:

PAN	Number of on-time 1st preferences		
	2023	2022	2021
90	78	115	131

## Woodingdean Primary School

3.58. There were 1127 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in the table below. In total 173 respondents tended to agree or strongly agreed with this proposal compared to 302 respondents who strongly disagreed or tended to disagree with this proposal. 817 respondents didn't offer an opinion or didn't answer the question.



3.59. Responders expressed concerns about there being sufficient places for all children as both Woodingdean and Rudyard Kipling Primary Schools serve a distinct community and a reduction in PAN is being proposed for both schools. Parents reported that according to estate agents the area continues to attract families into the community, meaning that the Council's forecasts may not adequately calculate the number of places required in future years. There was concern that a PAN reduction would have a detrimental impact on the delivery of education as it would require a move to mixed aged teaching. Some responders felt that the two schools in Woodingdean shouldn't therefore be treated equally. Responders referred to the transport links to the school, meaning it was well placed to offer more places to those outside of the immediate community. There was also a sense that the schools would still need to operate two classes even if the PAN of 45 was set.

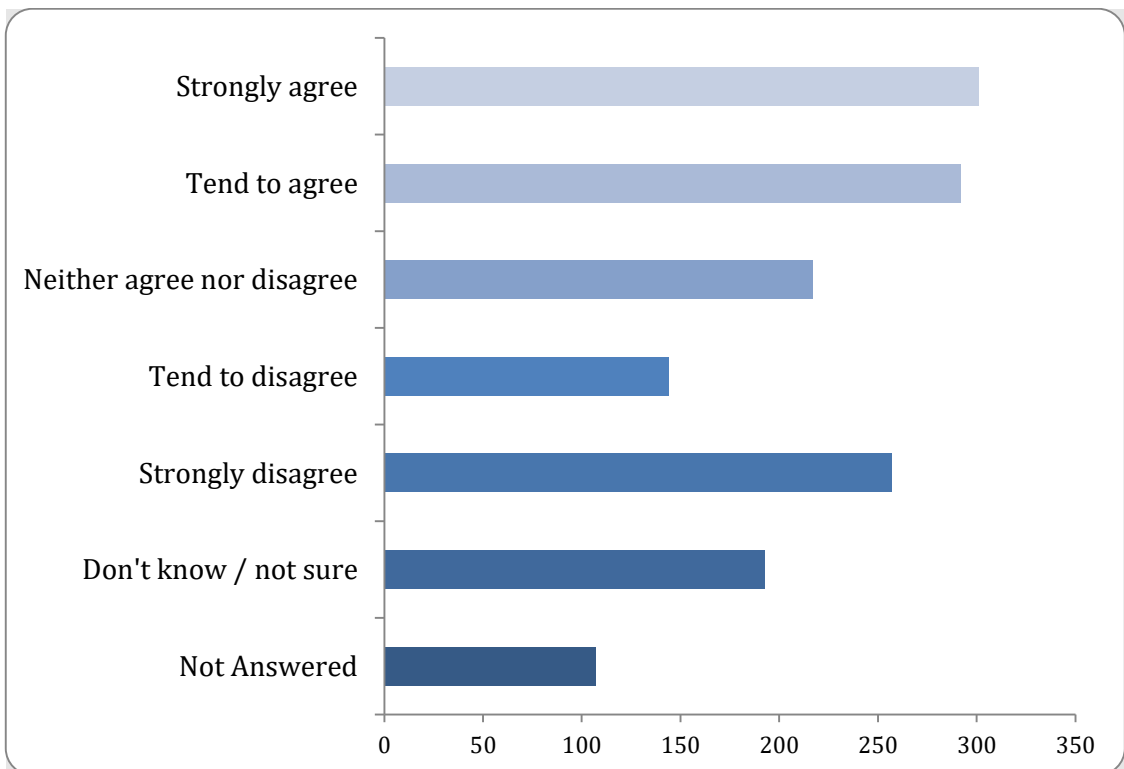
3.60. The school made a formal representation to the Council in which they formally raised their objections, whilst acknowledging the unenviable problem of an excess of primary school places. The school felt the proposal was in response to the need for Rudyard Kipling Primary School requiring a

move to a mixed age offer and a PAN of 45. In the school's view putting forward these proposals would frustrate parental preference and mean the school would operate at a lower capacity than it currently does at present. The school provided information to demonstrate that mixed age teaching was unpopular for parents, staff and was unproven as a system to improve outcomes. The school has been able to manage a positive budget position and had also heard that the area remained popular with families and was therefore likely to maintain strong numbers of future pupil numbers into the future. The school also clarified their intention to continue to operate single age classes should the school's PAN be changed.

- 3.61. As outlined in paragraphs 3.42 – 3.43, the Council recognises that the Woodingdean area serves a distinct community. As a result, changes in PAN in this area do not affect areas of the city where the largest number of unfilled places occur. In addition, the Council wants to see greater collaboration and harmonisation between the schools for the benefit of all Woodingdean residents. This is considered to be at risk if a change in PAN was implemented across both schools. Therefore, it is recommended that no change is made to the PAN of Woodingdean Primary School.

**Secondary school admission arrangements**

- 3.62. The Council consulted on proposals to introduce a new criterion 3 in its admission arrangements. There were 1404 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in the table below. In total 593 respondents tended to agree or strongly agreed with this proposal compared to 401 respondents who strongly disagreed or tended to disagree with this proposal. 300 respondents didn't offer an opinion or didn't answer the question.



- 3.63. Following further consideration of the proposal and in response to early feedback on the proposals the Council identified a need to change the proposed criteria required to implement the policy intention. The recommendation outlined in paragraph 3.71 outlines the criteria to be used.
- 3.64. Responses to the consultation included criticism that the Council was virtue signalling, that travel journeys would increase and that families and communities would run the risk of being split, with implications for the health of children. Some responders referred back to their children's experiences when they were the only child in their friendship group not to be offered a place in the same school as their friends and others highlighted that more uncertainty would increase young people's anxiety levels.
- 3.65. Free School Meals (FSM) was considered by some to be a blunt measure that unless assessed yearly would provide protection for some pupils even if families would no longer qualify for benefits as their circumstances had improved. Some responders felt a better approach would be to work on other strategies such as making housing more affordable and ensuring all schools perform at the same standard. Some responders were concerned about the impact on schools that would have fewer children and less funding as well as a concern that there was not sufficient information to demonstrate the impact of such a policy change and therefore any responses were not sufficiently informed.
- 3.66. A key theme was the concern that if the proposal was introduced this would reduce the number of places available to children living within the catchment area. This might then have knock on consequences in the event of oversubscription in the catchment area meaning catchment area pupils might miss out on a place at their catchment school.
- 3.67. The Sutton Trust made a response to the consultation in which they outlined their research on top performing comprehensive schools and FSM levels (Selective Comprehensives 2017 - Sutton Trust) and the conclusion that proximity-based oversubscription criteria have a part in these schools having low numbers of FSM eligible pupils.
- 3.68. As a result, they strongly advocate for more comprehensive schools to implement admissions policies which they consider to be fairer, thus ensuring greater numbers of disadvantaged children can gain access to high performing schools and have access to high quality teaching in their local areas.
- 3.69. Additionally, the Sutton Trust highlighted their research (Fairer School Admissions - Sutton Trust) which found that 50% of senior leaders in schools are of the view that social segregation is a problem in state schools. Introducing a Pupil Premium priority criteria would help to fight this issue. Similarly, they have found that 78% of parents believe that schools should have a fairer mix of pupils from different social backgrounds.

- 3.70. The Sutton Trust believes that the admissions arrangements being consulted on in Brighton and Hove would be a “bold step forward”, enabling more pupils from disadvantaged backgrounds to access the best schools in their area and wholeheartedly support this proposal.
- 3.71. These secondary school admission proposals were shared at the public meetings held on 7, 13 and 14 December 2023. A total of 22 people attended the online meetings. At the meeting the proposed adapted criteria were shared and form the basis of the recommendation to the Children, Families & Schools Committee in this paper.
- 3.72. Proposed Admission priorities for Secondary Schools (for whom the Council is the admission authority)
1. Looked after children and all previously looked after children
  2. Compelling medical or other exceptional reasons for attending the school.
  3. A sibling link applied for those living within the designated catchment area only
  4. Free School Meals eligible children living in the designated catchment area
  5. Other children eligible for Free School Meals up to the city average.
  6. Those pupils living in the designated catchment area for the school(s).
  7. Other children.

### **Transport implications**

- 3.73. In the meetings concern was expressed about how current home to school transport arrangements might affect the proposed new criteria. Questions were also raised about how the existing arrangements might impact on schools in the city and the Council undertook to provide more detail in the report.
- 3.74. Secondary aged pupils are eligible for assistance with transport if they are aged between 8 and 16 years and live more than three miles (4828 metres) from their nearest suitable school. The nearest suitable school in relation to secondary education means the catchment area school (or schools in a dual catchment area) for those able to attend a mainstream school, except for children whose family meets the criteria for low income, where the suitable school may be one of the three closest schools. Low Income Families, where pupils are entitled to free school meals or their parents are in receipt of maximum Working Tax Credit or equivalent qualifying benefit have an entitlement to assistance if they are aged 11 to 16 and go to a school 2 to 6 miles away and it's one of their three nearest suitable schools, or the school is between 2 and 15 miles and is the nearest school preferred on the grounds of religion or belief (aged 11 to 16).

- 3.75. All of north Whitehawk FSM pupils would be eligible for transport if they were allocated a place at Varndean or Dorothy Stringer schools. All of these pupils would also receive transport assistance to attend their catchment area school, Longhill High School. Therefore, there would be no significant increase in cost of transport for these pupils however Longhill High School may be affected by families seeking to apply to other schools under the proposed new admission priority.
- 3.76. The south Whitehawk area is already in the Dorothy Stringer and Varndean catchment area so no change in costs to the Council of transport would occur as pupils would already be attending these schools.
- 3.77. For those living in proximity to Brighton Marina, Varndean School is one of the three closest schools, but Dorothy Stringer School isn't, (Longhill, CNCS, Varndean) but these addresses are also 3 miles from Longhill High School so these pupils would already receive transport assistance if they attended the catchment area school. Therefore, there would be no significant increase in cost of transport for these pupils. However, Longhill High School could be affected by families seeking to apply to Varndean School.
- 3.78. Most of Woodingdean pupils would be eligible for transport if they were offered a place at Varndean (BACA, Longhill & Varndean are the 3 closest schools) but not if they were offered a place at Dorothy Stringer School, so there is a possibility of additional transport costs for this area.
- 3.79. Saltdean, Rottingdean and most of Ovingdean have Longhill, BACA & CNCS as their closest schools, so there are no transport cost implications as a result of these proposals or impact on those schools in relation to pupils living in this area.
- 3.80. Coldean, Moulsecoomb and Bevendean FSM pupils would be eligible for transport if they attended Varndean or Dorothy Stringer Schools and all of these would be an additional transport cost.

### **Calculating FSM**

- 3.81. In terms of the September 2025 intake, should the proposal be agreed by Committee, the Council would calculate the city average of Free School Meals from the October 2024 census data for the Year 6 pupils. That would give the city average for the cohort starting secondary school in September 2025.
- 3.82. If this remains at 28% (as it was from the last census) then the Council would allocate up to 28% of the school's PAN under the FSM priority.
- 3.83. As an example, Patcham High School would have 63 places available for FSM pupils ( $225/100 * 28 = 63$ ) and Dorothy Stringer School would have 92 places available for FSM pupils ( $330/100 * 28 = 92$ ).

- 3.84. At the point that the Council seeks to offer places from the re-allocation pool (or waiting list) place, the Council will need to maintain details of the number of FSM eligible pupils the school has on roll in each year group, but the principle would be the same in that we would calculate the city average from the most recent October census for the cohort in question and then only allocate up to that number of FSM eligible pupils.

### **Published Admission Arrangements**

- 3.85. Many of the responses to this question referenced representations made regarding specific proposals to reduce the PAN of certain primary schools and the process undertaken. Some suggestions were made about providing alternative priority criteria including in relation to young carers and those impacted by domestic abuse and others in relation to government policy. There were no specific responses that have led to changes in the proposed arrangements and therefore, it is recommended that no other changes are made to the Infant & Primary school admission arrangements.

### **The co-ordinated admission schemes for 2025/26**

- 3.86. Many of the responses to this question referenced representations made regarding specific proposals to reduce the PAN of certain primary schools and the process undertaken. As well as comments on the Council's approach to the consultation process. Some responders indicated that this part of the consultation was unclear. There were no specific responses that have led to changes in the proposed schemes and therefore, it is recommended that no change is made to these schemes.

### **The 'relevant area' for consultation**

- 3.87. There were responses suggesting that the planning areas used by the council should be amended to better reflect the realities of people's journeys to school as well as suggestions that the area should be expanded to include neighbouring authorities. The 'relevant area' is the area for a school within which the admission authority for that school must consult all other prescribed schools on its admission arrangements. It is recommended that no change is made to the 'relevant area' as currently stated.

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

- 4.1. The Council could seek to implement all the proposals put forward to consultation. However, this would ignore representations made as part of the consultation regarding schools where it was felt that a reduction in PAN would not have a significant impact on the city's overall number of surplus places. In addition, it would not take into account the position of some of the affected schools who have advised that they consider that they are able to balance their budget and that a reduction in PAN would not assist them maintaining a positive budget position. Nor would it consider the impact of a reduction in PAN to a school's essential school improvement journey.

- 4.2. The Council has only consulted upon proposals to reduce the PAN at the nine schools detailed in this report. Any additional changes to other schools were not considered as part of a public consultation and therefore the views of the community on those alterations would not be known.
- 4.3. Under the School Admission Code, 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.
- 4.4. The Council could have considered recommending a change in the PAN of Queen's Park Primary School, Rudyard Kipling Primary School and Woodingdean Primary School, but having considered the responses to the consultation and each schools' current situation, it was decided not to recommend proceeding with the proposed changes in PAN for these schools for the reasons set out in this report.
- 4.5. Had the Council proposed not to continue with changes to other school's PANs then the number of unfilled places expected to be in the city in September 2025 would be higher. This could place further pressure on school's budgets through schools having class sizes, based on parental preference, that are not viable.
- 4.6. However, it would ensure the Council could meet a high level of parental preferences if more places were available.
- 4.7. It is possible for the Council to seek agreement from the Schools Adjudicator for a variation to the PAN of schools with effect from September 2025 after notifying all other admission authorities within the relevant area. This would need to follow a major change in circumstances which, the Council would need to argue, could include details of actual preferences received for specific schools from January 2025 onwards.
- 4.8. The Council could look to make no change to its secondary school admission arrangements taking into account that further organisational change will be required in future years. Doing so may not allow for the opportunity to put forward an approach in 2025 that is aimed to support families whose children are entitled to Free School Meals to have a greater opportunity to receive a place in a school other than their catchment area school.
- 4.9. There is a need to work collaboratively with all secondary schools including those who are their own admission authority to consider the future of secondary school education. It is possible that agreement on a strategic approach to take effect beyond September 2025 is not achievable and therefore delaying a proposed change to secondary school arrangements may not result in an opportunity for families who qualify for free school meals.

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



- 5.1. The public consultation ran between 7 November 2023 – 22 December 2023, there were 22 public meetings and 1511 responses to the online consultation were received. In addition, there were 76 direct responses to the Council’s School Organisation and School Admissions email accounts about the admissions arrangement proposals. Approximately 385 people attended meetings held during the consultation period, many people attended more than one meeting.
- 5.2. The consultation was notified to West Sussex County Council, East Sussex County Council, both diocese. Nurseries were notified of the consultation.

## **6. Conclusion**

- 6.1. The Council is proposing to reduce the Published Admission Number of 6 schools to reduce the number of unfilled places across the city. After consideration of the responses to the consultation, the Council is not proposing to reduce the PAN of Queen’s Park Primary School, Rudyard Kipling Primary School or Woodingdean Primary School.
- 6.2. The Council is also proposing to introduce a new admission priority in its secondary school arrangements for pupils who qualify for free school meals.
- 6.3. It is forecast that pupil numbers will continue to fall until, at least, 2027 with the estimated number of children needing a starting school place reducing from 1970 in 2025 to 1787 in 2027. As a result, the Council is seeking to reduce the number of unfilled primary school places across the city.
- 6.4. It is doing so in full knowledge that the Schools Adjudicator may overturn individual decisions on appeal, because of their need to consider the role of parental preference. However, the Council is signalling a clear intent to seek to protect the wide range of schools in the city and ensure the availability of school places to all communities in the city.
- 6.5. Any objection will be robustly defended and the Adjudicator’s attention will be drawn to the fact that the Council has proposed the closure of two one form entry primary schools and that 33 out of 61 primary schools are expecting to end the 2023-24 financial year in deficit.
- 6.6. Beyond these changes the Council is proposing no other change to the admission arrangements. After determination, arrangements can only be revised by detailing a “major change in circumstances” to the Schools Adjudicator and obtaining their approval.

## **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.
- 7.4. The proposal to introduce a new admission priority in secondary school arrangements for pupils who qualify for Free School meals may lead to changes in pupil numbers in individual schools that would not otherwise occur. It is possible that those schools with high numbers of FSM eligible pupils may have a reduced number of pupils attending their schools, leading to lower budget allocations, because under the proposal, pupils eligible for FSM will have a greater priority for a place at another school. There is also a risk of some increases in home to school transport costs as described in the report.

Name of finance officer consulted: Steve Williams Date consulted 11/01/24

## **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 to admission arrangements 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. Following consultation the admission arrangements must be determined by 28 February 2024. Community schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. Objections to admissions arrangements must be referred to the Schools Adjudicator by 15 May 2024.

- 8.3. The School Admissions Code 2021 provides that Admission Authorities may give priority in their oversubscription criteria to children eligible for the pupil premium. The categories of eligible premium recipients to be prioritised should be clearly defined in the admission arrangements.
- 8.4. 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 1999 requires LAs to consult on these proposals every two years.
- 8.5. In order to comply with the public sector equality duty pursuant to the Equality Act 2010 the Committee should have due regard to the analysis of the impact upon those affected by the proposal who have protected characteristics under the Act. This is summarised within the EIA template and the body of the report. Recent government guidance indicates that the general duty requires decision-makers to have due regard to advance equality of opportunity and foster good relations in relation to activities such as providing a public service. As indicated in recent government guidance the duty does not dictate a particular outcome. The level of “due regard” considered sufficient in any particular context depends on the facts. The duty should always be applied in a proportionate way depending on the circumstances of the case and the seriousness of the potential equality impacts on those with protected characteristics.

Name of lawyer consulted: Serena Kynaston      Date consulted 11.01.2024

## **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 7 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 by virtue of their proximity to certain schools and the availability of places should families make a late application.
- 9.4. When determining admission arrangements, the Council needs to ensure that there are sufficient school places available within a reasonable distance for families who may have members who have vulnerabilities relating to protected characteristics. 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.

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

9.6. 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.

9.7. These priorities will ensure that for pupils who are care experienced, they will receive the highest priority for a place in a different school.

## **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. However, with a reduction in PAN it can be expected that some children will not get a place at their preferred school which could require them to travel further and families may not be able to or chose to use sustainable methods.

10.5. It is recognised that schools are at the heart of their communities and have a significant role to play for families in supporting their local community. However, in the longer term the reduction in pupil numbers could lead to schools having additional financial pressures which could threaten their long-term viability.

## **Supporting Documentation**

### **1. Appendices**

1. Primary School Places Forecast
2. Published Admission Numbers
3. Admission Arrangements and Priorities
4. Primary Coordinated Scheme
5. Secondary Coordinated Scheme

6. Secondary Catchment Forecast
7. Equalities Impact Assessment

**2. Background documents**

The responses received via the consultation portal have been made available confidentially to Councillors sitting on the CF&S Committee for their consideration.

