

# Brighton & Hove City Council

## Children, Families & Schools Committee

## Agenda Item [Insert]

**Subject:** Proposed Closure of St Bartholomew's CE Primary School

**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 In response to the fall in pupil numbers the Council is proposing the closure of two primary schools to address the number of unfilled places in the city and having considered the longer-term viability of both schools in relation to pupil numbers and financial viability.
- 1.2 This report details the response to the recent public consultation on the proposal to close St Bartholomew's CE Primary School on 31 August 2024 and seeks approval to publish statutory notices.

#### 2. Recommendations

- 2.1 That Committee agree to the publication of a statutory notice in respect of the proposed closure of St Bartholomew's CE Primary School with effect from 31 August 2024. The committee notes that publication of the statutory notice will trigger a four-week representation period which will run from 23 January 2024 to 20 February 2024 during which interested parties can comment on the proposal.
- 2.2 That Committee notes that following the representation period a further report will come back to a special meeting of Children, Families & Schools Committee on 29 February 2024. In the event that closure is recommended a final decision will be made by Full Council on 4 March 2024.

#### 3. Context and background information

##### Process to close a school

- 3.1 The Department for Education has issued Statutory Guidance on the process that must be followed to close a maintained school 'Opening and

closing maintained schools - Statutory guidance for proposers and decision makers (January 2023.)’.

- 3.2 Although St Bartholomew’s CE Primary School is a voluntary aided school the Council has the power under the Education and Inspections Act 2006 to put forward proposals to close the school and to subsequently make a decision on those proposals. The Diocesan Authority has the right of referral to the Office of the School’s Adjudicator if they object to that decision.
- 3.3 The statutory guidance details some of the reasons why a school closure might be considered including where there are surplus places elsewhere in the local area which can accommodate displaced pupils, and where there is no predicted demand for the school in the medium to long term and it is no longer considered viable.
- 3.4 The first step of the closure process is a requirement to undertake a public consultation on the proposals. This has now been completed. Following consideration of the outcome at this committee meeting, the Council has to make a decision whether to proceed with the proposals by publishing statutory notices. Publication of notices is followed by a four-week representation period during which interested parties may make further comment on the proposals.
- 3.5 If, having considered the consultation outcome, committee decides to publish statutory notices it is proposed that the four-week representation period starts on Tuesday 23 January 2024 and runs until 20 February 2024. A report will then be prepared for consideration by the CF&S committee on 29 February 2024 and with a recommendation to Full Council on 4 March 2024.

## Public Consultation

- 3.6 On the 6 November 2023, the Children, Families & Schools Committee agreed to undertake a public consultation on the proposals to close St Bartholomew’s CE Primary School.
- 3.7 The consultation ran between 7 November 2023 – 22 December 2023.
- 3.8 A summary of the 327 responses to the consultation portal is provided below. Only 5.2% of responses agreed with the Council’s proposals to close the school. 88% of responses either strongly or tended to disagree with the Council’s proposals.

Option	Total	Percent
Strongly agree	7	2.14%
Tend to agree	10	3.06%
Neither agree nor disagree	12	3.67%
Tend to disagree	11	3.36%
Strongly disagree	273	83.49%
Don't know / not sure	14	4.28%

<b>Total</b>	327
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3.9 Of all the 467 responders to the consultation on proposed school closures, including St Peter's Community Primary and Nursery School, the vast majority strongly disagreed with the Council reducing the total number of surplus school spaces in the city, as outlined in the table below.

<b>Option</b>	<b>Total</b>	<b>Percent</b>
<b>Strongly agree</b>	31	6.64%
<b>Tend to agree</b>	38	8.14%
<b>Neither agree nor disagree</b>	47	10.06%
<b>Tend to disagree</b>	38	8.14%
<b>Strongly disagree</b>	286	61.24%
<b>Don't know / not sure</b>	20	4.28%
<b>Not Answered</b>	7	1.50%
<b>Total</b>	467	

3.10 Reasons provided by responders for opposing the proposals included:

- concerns that the Council was taking a short-term approach,
- the accuracy of pupil forecasts, including the need for more places should pupil numbers rise in future years,
- the high levels of pupils' additional needs which could benefit from smaller class sizes,
- smaller class sizes being an opportunity to improve teaching and learning,
- ensuring public services have spare capacity to aid their resilience
- missing a positive opportunity to do something different with school education in Brighton and Hove.

3.11 The majority of responders to the consultation who provided further information detailed that they were Brighton & Hove residents with 10% of all responders being parents/guardians of a child(ren) directly affected by the proposal to close St Bartholomew's CE Primary School, detailed in the table below. The 47 responders who provided details were 14.4% of the 327 replies received in relation to St Bartholomew's CE Primary School.

<b>Option</b>	<b>Total</b>	<b>Percent</b>
<b>Brighton &amp; Hove resident</b>	155	33.19%
<b>Parent or guardian of a child(ren) directly affected by the proposal to close St Bartholomew's C of E Primary School</b>	47	10.06%
<b>Parent or guardian of a child(ren) directly affected by the proposal to close St Peter's Community Primary School</b>	89	19.06%

<b>Parent or guardian of a child(ren) not directly affected by the proposed changes</b>	52	11.13%
<b>Teacher in one of Brighton &amp; Hove schools</b>	33	7.07%
<b>Governor at one of Brighton &amp; Hove schools, please give detail below</b>	5	1.07%
<b>Representative of a voluntary or community group, please give details below</b>	7	1.50%
<b>Other, please give details below</b>	67	14.35%
<b>Not Answered</b>	12	2.57%

### Concerns Raised During Consultation

3.12 The responses to the public consultation events raised the following concerns:

- the availability of alternative places for children, especially those with siblings in other year groups and for those families who were keen to maintain a Church of England education.
- the ability to fit new school arrangements into the established routines of their children, especially those with Autism or similar traits.
- the disproportionate impact this will have on a diverse and disadvantaged community including those with high levels of Special Educational Needs. There were also concerns that sufficient time had not been given to seeking innovative alternative solutions to the closure of the school.
- with the planned timescale of closure being to the detriment of the pupils and families connected to the school.

3.13 There was concern that the Council was not approaching the development of options to remove surplus school places in an anti-racist way and that the process of consultation was not sufficiently open to all members of the school's community to access.

3.14 It was evident that some families value the community that has built up around the school and that this was more powerful for those whose previous life experiences had involved them moving country and escaping traumatic experiences. In these cases, it was said that the staff at the school and other families have replaced distant family and have provided practical and emotional support which has allowed children to attend regularly and has helped families to cope with unforeseen events that may occur.

3.15 The small size of the school was seen as a real positive to many families. They felt that their children were coping much better by being in a smaller environment, where all staff knew the children and therefore were able to meet their needs without always having to go through additional, formal processes such as statutory assessment to formalize the support required.

- 3.16 Where pupils already have an Education, Health and Care Plan (EHCP) views were expressed that it was considered likely that due to the culture and support at St Bartholomew's any future placement would need to be in a specialised placement rather than in another mainstream school.
- 3.17 The responses to the online consultation raised additional points including concerns that the council should pursue further changes in Published Admission Numbers at other schools before seeking to close the school. It was felt that the school had proved an effective haven for pupils who had not had their needs met in other schools in the city and therefore had faced previous rejection, the effects of which would be compounded by the proposal to close the school. There was concern that families would need to travel further and that pupils who benefit from a stable routine may not cope with needing to attend a different school and undertake a different journey to school, a journey that some families were concerned about making because of the potential of suffering racist behaviour. In addition, there was concern that pupils themselves may suffer racial bullying at a new school.
- 3.18 It was noted that the school was the first choice for 10% of Brighton and Hove's Black community. It was felt that there was a strong commitment to the school from families with children attending it and that this has been evidenced by the small number of children who have left the school since the closure proposals were announced. There were many responses outlining concern as to why the school had been chosen and the disproportionate impact closing the school would have on a school community with a large proportion of pupils with English as an additional language, from other countries and those from the Black and Racially Minoritised communities. It was considered that the school has embraced and nurtured an environment of support and understanding that was greatly appreciated by staff and families alike. Concerns were expressed that this intersectionality of vulnerabilities in the school's population has not been given sufficient regard.
- 3.19 Concerns were also expressed that a formal matrix of criteria was not used to determine where school closures should be proposed and that there was insufficient time for a full consultation and sufficient planning to best support the school's pupils in moving to another school should the school close.
- 3.20 Representations were made by the Chichester Diocesan Board of Education (CDBE) and the Parochial Church Council (PCC) of St Bartholomew's Church, Brighton. The PCC outlined the strong ties between the church and the school and expressed concerns about the turbulence that would be faced by families and pupils and felt that the well-being of the children was not at the forefront of decision making by the Council. They went on to reflect on the impact the closure would have on the community and this area of Brighton particularly.
- 3.21 The CDBE recognised the diverse range of families and children supported by the school and advocated for close work to be undertaken on any transition arrangements that may follow the Council's decision. They also expressed concerns about the timescale of the proposals and the implication of this on other schools being able to meet the needs of the children whilst

already managing their existing cohort of pupils. The CDBE also highlighted the potential loss of skills and expertise within the school's staff should closure take place.

- 3.22 In addition to providing a revised budget plan in support of a change in the school's organisation to be more viable as a smaller school (see paragraphs 3.32 – 3.34), the governing board and leadership of the school raised a number of other concerns during the consultation period. The school expressed concern that the Council's previous attempts to address the issue of falling pupil numbers across the city now required the closure of St Bartholomew's CE Primary school. It was felt that more incentives and innovation were required to engage the city's school communities in making changes to take account of the fall in pupil numbers. The school questioned whether a broader set of criteria should be considered, beyond just pupil numbers and financial viability, alongside the small amount of time taken by the new Administration to determine via an options appraisal that school closure was required.
- 3.23 In addition, it was felt that the school was being negatively impacted because of its inclusive attitude and work to meet the needs of pupils without drawing on further additional funding from the Council. This was compounded by school funding rules that meant the school was financed in 2023/24 on the basis of artificially low pupil numbers.
- 3.24 Without the results of a clear cost:benefit exercise the school felt that it was hard to ascertain if the Council would save money by closing the school. It was put forward that the costs incurred might exceed £750,000 albeit no detailed breakdown of that figure was provided or substantiated. The school reiterated it was a Good school as judged by Ofsted, is 'warmly inclusive' and that closure could deny the community a valuable asset in the building while requiring families displaced by school closure to travel further potentially at greater cost to them. The school also expressed the view that the proposals go against other Council priorities and manifesto commitments.
- 3.25 The school's response to the consultation put forward alternative proposals to assist the school remaining open by providing mitigations to low pupil numbers and basing other support services within the building. However these proposals did not consider how the school would seek to improve levels of parental preference and fill to the school's overall current capacity of 210 pupils. A medium to long term strategy of having a PAN of 20 and accommodating up to 140 pupils in 5 classes as suggested by the school does not appear to be a viable approach with the Council unable to enforce changes in other schools and unwilling to accept greater risks to its funding arrangements, both of which would be required to make the school's proposals workable. The Council's approach is informed by an acceptance that pupil numbers are expected to remain low in future years and parental preference is the mainstay of government policy. The forecast of pupil numbers in the Central City planning area shows a further drop from 424 pupils needing a place in 2025 to 361 pupils needing a place in 2027.

3.26 In the consultation the Council also heard directly from some pupils whose own responses have been submitted by their parents. In addition, the school displayed artwork completed by pupils at the public meetings held at the school. Families discussed the impact the proposals were having on children at home and the conversations parents were having to have with their children when the proposal to close the school came up in conversation. The promotion of the campaign to object to the Council's proposals has included comments from pupils about the staff at the school and the happiness they get from being part of the school and included the submission of a Youtube video that can be accessed [here](#). In addition, the Council accepted artwork developed by A Seat at the Table as part of the response to the consultation.

### School Context

3.27 Over the last five years the Council's data shows that the school's number of pupils in Year R to Year 6 has fallen from 164 in 2018. In that time the proportion of children with EHPs has risen by 7.53% above the city-wide average for primary schools alongside above average rises in the proportion of pupils with English as an Additional Language and BAME families, using the DfE definition based on where families have self-identified their ethnic group as other than White British, Refused or Not Known.

Category	2018 data	2023 data	School 5 year change	BHCC Primary average change
% of children with EHCPs	0.6	8.9	8.3	1.4
% of EAL children	24.4	39.3	14.9	2.1
% of BAME children	43.9	55.6	11.7	3.4

### Reasons to propose to close the school

3.28 The Council acknowledges the level of opposition to the proposals. It is nonetheless recommended to proceed with publishing a statutory notice to close St Bartholomew's CE Primary School on 31 August 2024. Closure is considered necessary for the reasons set out below.

3.29 At the October census 2023 the school had recorded the following number of pupils on roll compared to October 2022. This is the second lowest number of children in Year R to Year 6 of any primary school in Brighton & Hove. The lowest being St Peter's Community Primary and Nursery School which is also subject to a proposal to close. At 8 January 2024 records show 135 pupils remaining on roll which shows the commitment of families to support the school's efforts to avoid the school's closure.

3.30 The table shows the October census figures used to determine a school's budget in the following year. The school experienced a lower level of pupil numbers in October 2022 than they had at other points in that academic year.

Census Date	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
October 2023	19	17	23	23	20	16	23	141
October 2022	13	20	24	17	12	18	20	124

- 3.31 The next smallest primary school in the city is Coombe Road Primary School with 151 pupils recorded as being on roll at the October 2023 census. The difference in budget allocation based on the 2023/24 basic entitlement funding rate for 10 additional pupils, before any other factors are taken into consideration, is £33,520.
- 3.32 The school is forecasting that its budget position at the end of 2023-24 financial year to be in deficit by £205,000. This represents 27% of the school's 2023/24 formula budget allocation of £753,000. During the consultation process, the school submitted a revised budget plan and staffing structure that showed how the school could operate with a reduced PAN of 20 pupils and therefore a maximum of 140 pupils on roll.
- 3.33 The school would not plan to reduce the amount of leadership in the staff structure which would support the school to continue its own improvement journey. While making inroads into the current figure the school is still expected to have a deficit, by March 2024 and if all forecasts were met, of £130,000 in March 2026.
- 3.34 Whilst this might be a viable budget that would contribute to a reduction in the school's overall deficit, if fully implemented, how this organisational structure would impact on the quality of education the school provided and the progress of the school's improvement journey is untested. The school has already been identified as requiring support and intervention including a school improvement board due to concerns around the quality of education not being good enough. This planned reduction in capacity and staffing could undermine much of the work currently taking place to improve provision for the children currently attending.
- 3.35 As a voluntary aided school, the school's accommodation is the responsibility of the Diocese of Chichester and its on-going maintenance and purpose are not the Council's responsibility. As noted at the start of the consultation, the Diocese holds the view that any of its educational buildings that are not in use as schools are kept in the service of education as often as possible and this position has not changed.
- 3.36 During the public consultation period the Council obtained updated data to forecast pupil projections to September 2027 and revise previous forecasts for earlier years. The table below outlines the Council's forecast of demand for school places in the coming years and the expected surplus of places if the current number of school places was to remain unchanged. More details are provided in Appendix 1.



School Year	Pupil Forecast	Unfilled places
September 2024	2132	478
September 2025	1970	640
September 2026	1953	657
September 2027	1787	823

3.37 The table below shows the Council's forecast of demand for school places in the planning area up to September 2027.

Date of Birth / school year	School year in Sept 2024	BN1 2	BN1 3 St Mary Mags Prim St Pauls Primary	BN1 5 Stanford Infant Stanford Junior Westdene Primary	BN1 1 Middle Street Primary	BN1 4 St Bartholomews	BN1 6 Downs Infant Downs Junior Ballour Primary St Bernadettes Pri	BN1 7 Hertford Infant Hertford Junior St Josephs Primary	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places
places in each school year from Sept 2024			60	150	30	30	210	60	540		
01 September 13 to 31 August 14	6	31	63	136	10	51	207	112	610		
01 September 14 to 31 August 15	5	20	65	123	55	57	210	86	571		
01 September 15 to 31 August 16	4	24	80	116	12	64	182	103	581		
01 September 16 to 31 August 17	3	33	52	116	10	60	173	86	530		
01 September 17 to 31 August 18	2	24	69	100	9	42	173	91	508		
01 September 18 to 31 August 19	1	23	69	91	9	58	165	70	485		
01 September 19 to 31 August 20	R	32	62	86	12	43	145	90	470	423	117
01 September 20 to 31 August 21	2025	20	60	99	9	57	145	81	471	424	116
01 September 21 to 31 August 22	2026	28	67	72	7	40	146	58	418	376	164
01 September 22 to 31 August 23	2027	15	60	85	6	61	112	62	401	361	179

3.38 The Central City planning area is estimated to have over 100 unfilled places in the coming years. As a church school it is accepted that the school will not simply draw pupils from the BN1 4 postcode but the localised picture in the planning area, of there being surplus places is replicated in other adjoining planning areas. In 2023 the school received the lowest number of on-time first preferences of the schools in the planning area, albeit other one form entry schools received fewer than 20 first preferences. In 2022 the school also received the lowest number of on-time first preferences of the schools in the planning area.

3.39 The proposal would reduce the number of CE school places in the planning area by 30 which is a 50% reduction. Across the city the closure of St Bartholomew's CE Primary School would mean a reduction in Church of England school places of 10%. The Council notes in the consultation response from the Chichester Diocesan Board of Education the highlighting of the decrease in the number of Church of Education school places available to children in the city and the CDBE being mindful of strategic decisions that may be required in the future that could impact on this provision further.

3.40 The Council considers that, should the proposed closure be implemented, the impact on the balance of denominational provision in the area and the impact on parental choice will not be significant. The next closest Church of England school is St Paul's CE Primary School under 1100 metres from St Bartholomew's CE Primary school followed by St Martin's CE Primary and Nursery School at 1705 metres from St Bartholomew's CE Primary School. According to the October 2023 census return, both schools are currently operating at approximately 84% occupancy and neither school was full in the Reception year on allocation day.

3.41 When all of these factors are taken into consideration the Council's conclusion is that the school is no longer viable and therefore a statutory

notice should be published in order to proceed with the proposal to close the school.

### Displaced pupils

3.42 The Council is confident that there is sufficient capacity to accommodate displaced pupils if the school is to close, even when taking into account sibling links of children in primary school classes. While school places potentially fluctuate on a daily basis the availability of school places at 8 January 2024 was as follows.

School (distance from St Bartholomew's in metres)	Current Year group						
	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
St Bartholomew's – Current pupil numbers	19	16	22	24	17	14	
St Paul's (1082.21m)	4	13	10	3	5	2	
St Martin's (1704.73m)	15	11	2	5	9	8	
Stanford schools (1096.91m)	25	10	16*	29	11	0	
Carlton Hill (1310.95m)	0	0	3	2	0	0	
Downs Schools (1294.66m)	4	5	13*	2	2	1	
St Mary Magdalen's (1506.08m)	10	4	14	10	13	11	
Fairlight (1588.25m)	10	19	13	15	33	23	
Middle Street (1390.54)	1	5	2	11	6	3	
St Joseph's (2102.31m)	11	13	5	10	6	9	

\*assuming only pupils from the Infant school move up to the Junior school.

3.43 At the time of writing on 8 January 2024, there were 112 pupils still on roll at St Bartholomew's CE Primary School in years R to Year 5. It is expected that pupils in Year 6 will continue to attend the school until its proposed closure at the end of the academic year 2023-24.

3.44 Subject to final decision by Full Council, parents who have not applied by the end of the Spring term for a new school place, will be contacted by the School Admissions Team and asked to submit preferences for new school places by

28 March 2024. New places will be allocated to these pupils by 15 April 2024 and these places will be available to take up until September 2024, meaning that families who wish for their children to complete the academic year at St Bartholomew's CE Primary School can do so.

- 3.45 Children with Education, Health and Care Plans will be contacted by a nominated SEN Casework Officer in order that an annual review can take place in the Spring term 2024. Consideration can be then given to the education provision stated in the Education, Health and Care Plan and work can start on identifying a new education setting for September 2024 at the latest.

### **Pupils with Special Educational Needs**

- 3.46 There are currently 11 pupils recorded as attending St Bartholomew's CE Primary School with an Education, Health and Care Plan (EHCP) which is 8% of the school population. 33 pupils were recorded as having SEN support which was 23% of the school population (October 2023 School Census).
- 3.47 Through the consultation concerns have been expressed about how other schools will be able to meet the special educational needs of these pupils and whether specialist placements would be more appropriate, how these pupils will cope with a transition to another school and whether any receiving school would put in place appropriate interventions to support the pupils.
- 3.48 As stated above, all pupils with EHCPs will have an annual review to inform the decision about future provision. Pupils who are currently undergoing statutory assessment will also see no disruption to the process as a result of the proposal to close the school. In addition, the evidence that has been collated for pupils attending the school in advance of a formal request for statutory assessment will be made available to a receiving school and will be taken into consideration when considering what the appropriate next steps might be to meet a pupil's needs.
- 3.49 Concerns have been expressed about whether any receiving school would be able to adequately meet the needs of pupils currently being supported by the staff at St Bartholomew's CE Primary School, due to the amount of time it would take to gain the knowledge and confidence of individuals. The implication is that the Council may need to find more specialist placements or provide additional funding to that which is currently available to pupils at the school and that therefore it would cost the Council more should the school close. However, the Council is confident that the needs of all pupils can be met within other mainstream settings, subject to the updated information obtained during the annual review process.
- 3.50 Importantly the Council has put in place dedicated support from a senior SEN Casework Officer and Team Manager to oversee the transfer of pupils at the school who are known to the Council's SEN service.
- 3.51 As stated above the school has also put forward a number of proposals to mitigate the impact of the school's low pupil numbers. They have suggested

reducing the school's PAN and combining classes, looking at alternative options for introducing a nursery provision by re-locating Bright Start Nursery into its building, opening a specialist provision in the school which utilises the staff's knowledge and expertise and the school's inclusive culture, and developing a multi-agency hub that would also ensure the school's experience at supporting pupils and families with various intersections of vulnerability could be harnessed.

- 3.52 Currently the Council continues to keep under review its sufficiency of SEN places and remains in dialogue with mainstream schools about how to meet the needs of pupils via alternative provision and additional specialist placements. It is also rolling out its Family Hub approach to early intervention services. At this point in time there are no concrete proposals that would support St Bartholomew's CE Primary School remaining open and utilising the expertise and accommodation the school currently has available.

### **Supporting transition**

- 3.53 In the consultation responses, significant concern was raised about the impact and future on the Black and Racially Minoritised children attending the school. The Council recognises the significant part these communities play in the school, additionally the complexity of intersecting vulnerabilities many of these children experience. These factors will be a core element of the transition planning and the Council will draw on the knowledge, experience and commitment of the staff at St Bartholomew's and other schools who currently support Black and Racially Minoritised children elsewhere in the city.
- 3.54 Through the consultation the Council has heard significant levels of concern about the impact the consultation and a potential decision to close the school has had on pupils and their families. Many families have spoken about the way that St Bartholomew's CE Primary School has met their child's additional needs and, in some cases, after other schools have not been able to do so. The school has also outlined how they have been able to avoid pupils needing to attend specialist provision because of the interventions that the school has put in place. The school has also highlighted the impact of multiple factors affecting their pupils and families, the intersectionality of which means that they are some of the most vulnerable pupils and families that the city schools will need to support.
- 3.55 During the in-person consultation events held at the school, the sense of community that had developed between the school and families was very apparent. The Council heard examples of how this relationship has helped address previous traumatic experiences families had encountered and how the closure proposals were raising anxiety levels and re-invoking previous adverse experiences families had encountered.
- 3.56 The Council recognises that there will be an impact on all children who are required to move schools and is seeking to work with staff at the school and any receiving school to minimise the negative impact of the change. The council is enhancing its resources in its Inclusion Support Service, SEN services and Standards and Achievement team to do so. In addition, the

Ethnic Minority Achievement Service, who support children and families where English is not their first language, and the Schools Mental Health Service have also received additional funding to meet the needs that occur from the move of pupils, should the school close.

- 3.57 The Council is proposing to put in place a Transition Board, chaired by the Assistant Director: Education & Skills with oversight from the Co-Chairs of the CF&S committee to monitor and oversee the arrangements put in place for individual children who currently attend St Bartholomew's CE Primary School. This Transition Board will work closely with the teams mentioned above, the existing St Bartholomew's staff, and staff at receiving schools to ensure the transition of pupils is managed in a 'child-centred', caring and considered way.
- 3.58 All schools in the city will be reminded of their role to support the children who need to move school and to ensure that they use the additional funding that would have been made available to St Bartholomew's CE Primary School between September 2024 – March 2025 to support them in their new setting.
- 3.59 As the admission authority for community schools, the Council will consider any circumstances where a child's medical or social need means their needs can only be met at a specific school when parents make applications for other schools. The Council will also request that church schools who are their own admission authority give due consideration to any applications they receive, in line with their own admission arrangements. The submission from the CDBE outlines the commitment of the Diocese to work as partners in exploring places in alternative schools for children with identified, documented, additional needs within an EHCP and children with high level needs but without an EHCP.
- 3.60 The Council has heard a number of families comment on the benefits of St Bartholomew's CE Primary School's small class sizes. It will not be possible to replicate the small class size experience in other schools and this is a contributory factor to schools currently facing financial pressures. The vast majority of school funding is based on pupil numbers and therefore schools operating with small class sizes are less likely to be financially viable, particularly smaller schools where economies of scale that may exist in larger schools, do not apply.
- 3.61 In addition, the Council has also heard families talk about the range of support open to pupils that has been provided without the provision of an Education, Health and Care Plan. Families are concerned that when moving to new schools their children will not be adequately supported in a new setting especially when they have heard of the pressures in the system currently with demand for services exceeding what is available from schools, despite funding following the pupil.
- 3.62 Information on pupils' needs and strategies and interventions that work to support pupils in learning will be made available to receiving schools and staff will be encouraged to discuss individual pupils as part of the transition process. Evidence collated by St Bartholomew's CE Primary School will remain valid and can be used as supporting information for an Education,

Health and Care Needs Assessment. The Council has heard that the school will be supporting parents to proceed with requests for statutory assessment and have raised concerns that the potential additional costs of more children receiving EHC Plans will diminish any reduction in risk to the Council's own budget pressures by closing the school.

- 3.63 The process of assessment will lead to a conclusion as to how best to meet the child's needs and whether there is a need to identify a child's primary area of difficulty and the type of school best suited to meet that need.

### **Impact on the community**

- 3.64 Responses to the consultation have described the sadness in the community at the potential closure of such a long-established school with a strong bond to the parish church. The school have explained that the school is used to support a number of community initiatives including providing a space for an Islamic and Bulgarian school that could be lost to the community if the school was to close.

- 3.65 There are no active plans for the Council, alongside the Diocese, to re-purpose the accommodation that would become vacant should the school close.

- 3.66 It has been recognised that the school's community stretches beyond the area the school sits within and it is not likely that classes from the school will move in their entirety into the same school, although technically possible on some school sites and dependent upon parents all expressing such a wish. The Council has closely considered how pupils and families could be supported in that transition in order that the sense of community can be preserved so far as possible. It is expected that this will happen through the scheduling of opportunities for pupils and families to come together through and beyond the transition phase with the support of the Council's Schools Mental Health Service.

### **Staffing**

- 3.67 Should the school close, staff's jobs will be at risk. The Council will strongly recommend that should the school close the staff affected be given the opportunity to be considered for roles in other schools prior to any recruitment process that they may undertake. However, this is a decision for individual governing boards and whilst the Council would like to see all schools consider redeployment before recruitment this is not a decision that the Council can impose on schools. As at 8 January 2024, there were 5 primary school teaching jobs being advertised by schools and 24 support staff roles. Additionally, there are 50 posts in the Council's redeployment pool as staff will also have access to those. Discussions have taken place with colleagues in secondary schools, who report a number of unfilled support roles, to provide opportunities for staff to experience what working in a secondary school would be like.

- 3.68 With the support of trade unions, the Council will begin a staff consultation on proposed redundancy in late January. While this will be during the statutory notice period, should committee agree to the recommendation in this report and before a final decision has been taken on the school's future, it will give staff the opportunity to be included in the Council's own redeployment pool at the earliest opportunity. Should the Council not go ahead with the proposed closure of the school then the staff consultation will end without implementation.
- 3.69 The Council is hoping to retain the knowledge and experience of staff working at St Bartholomew's CE Primary School, should the school close, for the benefit of the education community in the city. However, it is recognised that as pupil numbers continue to fall across the city schools are having to reduce the number of staff employed.
- 3.70 The school's proposal to remain open as a smaller school would mean the retention of most staff. These proposals did not include any calculation for the cost of redundancy that would be a responsibility of the school to meet. This would have a bearing on the school's ability to ensure its expenditure was less than its income in the initial period whilst the school adjusted to a smaller teaching staff.
- 3.71 Staff who are made redundant will receive their relevant entitlements depending on the role in which they hold at the school and continuous service.

### **Accommodation**

- 3.72 There are no active plans for the future use of the school site. The building and land are the responsibility of the Diocese of Chichester and the site's ongoing maintenance will need to be met by them at the point that the school closes. The school has put forward proposals for how the school could remain open and its financial viability be supplemented by the co-location of other services including a proposal put forward by the school to re-locate Bright Start nursery into the building.
- 3.73 The Council does not envisage new provision or workforce bases being required at St Bartholomew's CE Primary School and the school have not been encouraged to provide any costed examples of how these options may ensure the school's viability due to the Council's opinion that they do not merit further examination. However, the Council is committed to working with the Diocese to explore how their stated aim of keeping the building in the service of education can occur.

### **Travel**

- 3.74 The government guidance outlines that when proposing to close a school, decision makers should consider whether the proposal will result in unreasonably long journey times or increased travel costs for local authorities or families, as well as any increase in the use of motor vehicles which is likely

to result from the discontinuance of the school, and the likely effects of any such increase.

- 3.75 The Council is unable to forecast what preferences parents will have for alternative schools for their children to attend. As a result, it is not possible to quantify the impact on travel of closing the school. Most families will be able to choose a school within a 2-mile walking route from St Bartholomew's. However, through the consultation period concerns have been expressed by families about their ability to get their children to different schools because of work commitments, the reliability and accessibility of public transport and the safety of walking routes to other schools. A particular concern was for families with young children and the practicalities of transporting them to and from a new school site when accompanying their school aged sibling.
- 3.76 The Council's Home to School transport policy reflects the legislation and sets out that the Council has a duty to provide assistance with transport for children of compulsory school age between home and school if the child is under the age of 8 and lives more than two miles from their nearest suitable school; or the child is aged between 8 and 16 years and lives more than three miles from their nearest suitable school. The 'nearest suitable school' in relation to primary education is considered to be the closest maintained school to the child's permanent home address that is suitable to age, educational needs and has a place available. Families may therefore be eligible for transport assistance from the Council, because of their circumstances, when a new school place is known. Factors that may be taken into account in deciding eligibility for assistance include having to take other primary age or younger children to a different school or pre-school, fixed employment patterns and the medical condition or disability of a parent or carer which means they cannot accompany their child to school.
- 3.77 In accordance with the Council's Home to School transport policy and the Department for Education's statutory guidance, the starting point for assessment of eligibility for assistance with travel is that as far as possible parents should accompany their children to school or that children should make their own way to school. For children with SEN, a disability or mobility problems this may mean that some additional support is provided.
- 3.78 The Council will work with schools who receive pupils from St Bartholomew's CE Primary School to develop their school travel plans to seek to mitigate against increased car use.

## **Equalities**

- 3.79 When contemplating school closure, the Council must have 'due regard' to the duties set out in section 149 of the Equalities Act 2010 (the Public Sector Equality Duty). This requires the Council to consider how any decision to close might affect people who are protected under the Equality Act. Decision makers should be satisfied that the proposer has shown a commitment to providing access to a range of opportunities which reflect the ethnic and cultural mix of the area in which a school is located, whilst ensuring that such opportunities are open to all.



- 3.80 This report is accompanied by an Equalities Impact Assessment (Appendix 2) which has been undertaken as part of the statutory process to identify any equality implications of the proposal and to address any concerns through appropriate mitigations if a decision is made to close the school. This EIA has been particularly informed by the responses to the consultation.
- 3.81 Through the consultation concerns were expressed by the school and other family advocates about the ability for all members of the community to engage in the process and whether the consultation was sufficiently accessible. Additional support for families where English was not the first language and for those whose children have special educational needs were put in place by the school and Council, including translated materials and specific meetings for those families to share their experiences and raise concerns about the proposals. The school created a proactive plan on how to engage with their families and informed Council actions on this matter. The school expressed disappointment that this had not been undertaken by the Council before the consultation was planned. There were a number of different meetings held for parents and the Council accepts that it meant many families attended multiple meetings and discussed their circumstances more than once and that this was a difficult and potentially stressful process.
- 3.82 Staff from the Ethnic Minority Achievement Service (EMAS) have supported families they work with throughout the consultation period to understand the proposals and have facilitated them in responding to the Council. The Brighton and Hove Parent and Carer Council have also been available for families to support them, as part of the process.
- 3.83 EMAS have supported one Bengali, two Arabic, one Romanian, one Ukrainian, two Pashto and one Polish family to understand and respond to the consultation in meetings and in writing. EMAS continue to support families understand the process and what it means for their family and children. EMAS have liaised with Caseworkers for children with EHCPs.
- 3.84 The Council promoted to families the offer of interpreting and translation services. No families requested that support however, in liaison with the school, a number of documents were translated and a number of interpreters were made available at a public meeting. It is understood that many families liaised with the school directly about their needs however direct communication was made by the council to those families via the school.
- 3.85 Closing St Bartholomew's CE Primary School will remove the option of a school place in central Brighton at a school that is appreciated for how it supports families and children irrespective of their disabilities, race and life experiences. In its submission to the consultation, the Chichester Diocesan Board of Education also recognises that the school supports a diverse range of children and families who have high levels of complex social and educational need and notes the support given by the school is something that this Church of England school community feels rightly proud of.

3.86 By proposing the closure of St Bartholomew's CE Primary School it is hoped that it will ensure other schools in the city, including other CofE schools, are supported to remain resilient in the short and medium term and better placed to continue to meet the needs of all pupils including those with protected characteristics. Doing so is demonstrating the council's commitment to providing access to a range of opportunities which reflect the ethnic and cultural mix of the area whilst ensuring that such opportunities are open to all.

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

4.1 The Council could propose not to close St Bartholomew's CE Primary School, further explore the suggestions put forward by the school for alternative delivery models or propose to close the school over a longer time period.

4.2 The viability of alternative options to closure are considerably diminished by the current financial position of the school and the numbers of children on roll. Specifically, it is the view of the Council that these factors do not mean it is viable to close the school at a later date. It is reasonable to assume that the risk of greater costs to the Council's General Fund will rise should the school remain open longer and whilst possible alternative or mitigating factors take time to put in place. Where the school has put forward a high-level, revised budget plan based upon a smaller PAN the improved financial position would only be realised through a reduction in the staff supporting the pupils who remain at the school. It cannot be guaranteed that staff will remain at the school and the Council has no policy on the payment of retentions that could be used in such circumstances, thereby negating the potential impact of staff moving before the school's closure to secure future job opportunities.

4.3 It can be reasonably expected that if a longer closure period was agreed more families will move their children to alternate schools as the revised closure date gets closer. This will further compound the school's viability and ability to sustain its school improvement journey. Therefore, an alternative timing of closure or proposal not to close the school are not considered appropriate.

4.4 Whilst undoubtedly affected by the council's proposals, the number of preferences received for the school from parents of children due to start school is expected to be low.

4.5 As part of the consultation process the school put forward alternative options with the preferred option being to reduce the PAN and have an additional service, such as Bright Start nursery or SEN provision on the school site:

- Reduced PAN
- Allow Bright Start to run a full offer nursery from the school site.
- Work with the SEN team to create specialist provision on our site, to support pupils from across the city.
- Federation or Academise.

- Create an multi agency hub for some of the most vulnerable groups in the city.
- 4.6 The school also submitted a revised high level budget plan to show how expenditure could be kept lower than funding through a reduction in teaching staff and a reorganisation of classes. The surplus generated would be used to offset the school's current deficit but was not forecast to remove the deficit in its entirety.
- 4.7 Whilst these proposals provide an alternative to the school's closure there is not sufficient compelling information for the Council to consider them as alternatives to closure. As outlined, the proposals in the budget plan could place the school's on-going improvement journey at risk and requires the school to maintain sufficient popularity in the community to maintain 140 pupils across the school. In addition, the Council's own proposals for family hubs, early years and special education needs provision do not align with the school's alternative proposals.
- 4.8 By not reducing the number of surplus places in the city in the longer-term school occupancy rates will not increase meaning that school budgets will remain lower and this may make more schools less viable. As schools are more likely to be able to balance their budgets if operating with full, or close to full, forms of entry.

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

- 5.1 The council undertook a consultation exercise between 7 November and 22 December 2023. A total of 6 meetings held in-person or online took place and the 3 fully open meetings were attended by a total of approximately 120 people. Many people attended more than one meeting.
- 5.2 The online consultation response form received 327 responses and 15 replies were received directly to the council's school organisation or school admissions email accounts. The vast majority of replies stated their disagreement with the proposals and concern for the impact on families and pupils who have a number of intersectional vulnerabilities and therefore the proposals were going against the Council's own stated intentions including to be an anti-racist Council. The timescale of the consultation and the proposed timetable to closure were also criticised as being particularly harmful to the children and their families affected if the school was to close. In addition, there is concern for how pupils who attend the school will be supported by other schools and whether their culture and ethos would allow them to be sufficiently supported.
- 5.3 The consultation was notified to various stakeholders including both Dioceses and a response was received from the Chichester Diocesan Board of Education.

## **6. Conclusion**

- 6.1 The council has undertaken a public consultation on proposals to close St Bartholomew's CE Primary School on 31 August 2024.
- 6.2 A total of 327 responses were received via the consultation portal and there were 15 email direct responses to the Council's school organisation or school admission email accounts about the proposals. The vast majority of replies disagreed with the proposals and raised concerns about how pupils who attend the school would be supported by other schools should they need to move.
- 6.3 On 8 January the school was operating with 135 pupils and this is the second smallest primary school in Brighton & Hove. The primary school with the lowest number of pupils is also proposed to close on 31 August 2024.
- 6.4 The school is anticipating ending this financial year with a £205,260 deficit.
- 6.5 The low numbers of pupils attending the school and the absence of a credible financial plan that shows the school coming out of deficit means any alternative to closure would need additional support from the Council.
- 6.6 Parents of children attending the school are concerned that their children's needs will not be met as well as they are by staff at St Bartholomew's CE Primary School and that the culture of inclusivity that the school operates that provides the right environment for their children to succeed will not be found elsewhere.
- 6.7 In addition, concerns have been expressed about the availability of church school places in proximity to the school and the impact the uncertainty about the school's future is having on families who have experienced adverse events before.
- 6.8 In the school's submitted response to the consultation the proposals put forward to assist the school to remain open were about mitigating the low pupil numbers, through reducing the PAN and enhancing the SEN support made available and possibly hosting the Bright Start Nursery. Proposals did not consider how the school would seek to improve levels of parental preference and fill the school's capacity of 210 pupils. The Council's view is that a medium to long term strategy to maintain the school though a reduced number of pupils onsite is not a viable approach with pupil numbers still expected to fall in future years and parental preference being a mainstay of government policy.
- 6.9 In recommending that the school closes the Council is committed to supporting all pupils to find an alternative school place, be supported to attend that school if their circumstances mean they are entitled to transport assistance and to work with the receiving schools to meet the needs of the children. The Council has put additional resources in place to provide teams with dedicated time and staff to oversee transition arrangements and will clearly state its expectations of receiving schools so as to minimise the impact of children having to attend another school.

- 6.10 The Central City planning area is expected to have over 100 unfilled places and rise in the coming years. It is a planning area with one of the highest proportions of unfilled spaces to expected pupils. St Bartholomew's CE Primary School has received low levels of parental preferences in recent years. It is recommended that the school closes by 31 August 2024.
- 6.11 If the recommendations in this report are agreed, a statutory representation period of four weeks will run between 23 January 2024 and 20 February 2024 during which any person may make further comments on the proposal. Once any further comments are considered a further report will be brought to a special meeting of the Children, Families & Schools Committee on 29 February 2024. In the event that closure is recommended, a final decision will be made by Full Council on 4 March 2024.

## **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 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 generally are more sustainable. 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 governing body approved budget plan submitted by St Batholomew's in summer term 2023 shows the school with an estimated deficit balance of £205,260 at the end of the 2023/24 financial year with no long-term plan to bring the budget back into balance. The school submitted a revised budget plan during the consultation period based on a reduced PAN and this demonstrates how expenditure could be lowered through a reduction in the number of teaching staff and teaching assistants. The revised plan shows potential in-year surpluses which would partially offset the school's current deficit, however the predicted position at the end of the 2025/26 financial year still shows a cumulative deficit in the region of £130,000.
- 7.4 Where a local authority-maintained school has a deficit at the point at which the school closes this will be a charge to the Council's General Fund. The deficit of St Batholomew's by the end of the academic year 2023/24 is estimated to be £200k and the Council is making provision for this expenditure as part of its financial modelling, at a time of significant pressure on the Council's budget. There will also potentially be additional costs relating to redundancies and additional central staff expenditure for the Council in managing the process that would result in further costs to the Council's general fund.

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

## **8. Legal implications**

- 8.1 In order to achieve any reorganisation of school provision the council must comply with School Organisation legislation- the Education and Inspections Act 2006 (EIA), associated regulations, and statutory guidance published by the Department for Education- "Opening and closing maintained schools, Statutory guidance for proposers and decision makers, January 2023". Both the legislation and guidance set out the steps which the council must take before making any decisions on proposals to reorganise school provision.
- 8.2 In accordance with Section 15 of the Education and Inspections Act 2006 ("the EIA 2006") (as amended) and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 ("the Regulations"), a formal consultation exercise has now been carried out with all interested parties. If the decision is taken to proceed with the proposed closure of St Bartholomew's Primary School following this consultation, a statutory notice must be published. Publication of the notice triggers a four-week period of representation during which interested parties are able to comment on the proposal. At the end of this representation period a further report will be brought back to Children Families and Schools committee. In the event that committee recommend that the school is closed, the final decision will be taken by Full Council on 4 March 2024.
- 8.3 In taking decisions the Council must act lawfully, including acting within its powers and following its own procedures as well as those required by law. The Council must ensure that all required consultations are properly undertaken in accordance with relevant law and guidance. It must make rational, evidence based decisions, take into account all relevant considerations, act for a proper purpose, and be properly reasoned.
- 8.4 The Council is required to have 'due regard' to the duties set out in Section 149 of the Equality Act 2010 (the Public Sector Equality Duty) in determining the proposal. In order to comply with the public sector equality duty 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 Equalities Impact Assessment (EIA) has been undertaken and is included as Appendix 2 to this report. As the earlier equalities section details, in proposing the closure of a school the Council needs to consider the impact of the proposals on the relevant protected characteristics and any issues that may arise from the proposals. In so doing, decision makers should be satisfied that the proposer has shown a commitment to providing access to a range of opportunities which reflect the ethnic and cultural mix of the area in which a school is located, whilst ensuring that such opportunities are open to all.
- 9.2 In addition, the Government refreshed guidance on the Public Sector Equality Duty which requires public authorities to have due regard to certain equality considerations when exercising their functions, like making decisions. The guidance reiterates that “It is for the decision-maker to decide how much weight should be given to the various factors informing the decision. The duty does not mean that decisions cannot be taken which disadvantage some people (provided this does not constitute unlawful discrimination), but the decision-maker should be aware of the equality impacts of these decisions and consider how they could positively contribute to the advancement of equality and good relations. The decision-maker should consider ways of preventing, or balancing the effects that their decision may have on certain groups. They should decide which mitigations, if any, they might want to put into place in reconsidering the decision. The mitigation should be proportionate to the problem at hand.” Therefore, compliance with the general duty involves consciously thinking about the equality aims while making decisions. There is no prescribed process for doing or recording this.
- 9.3 Through the consultation process concerns have been expressed about the potential harm a school closure would have on families and children who have special educational needs, have life experiences that have caused trauma and created disadvantage. It is reported that these are families who have experienced multiple intersectional vulnerabilities but who have found a welcome and supportive environment in the school that has led to a build-up of community support and resilience that would be lost if the school was to close. Whilst it is clear that any change of school will have an impact on a family and child, the Council is committed to minimising the harmful impact of that in conjunction with both St Bartholomew’s CE Primary School and the receiving school.
- 9.4 It is possible that families may need to travel further to school than they do currently and there will be a need to establish new trusting relationships for families and children with staff in a new school.

- 9.5 The EIA outlines the potential actions that can be undertaken to advance equality of opportunity, eliminate discrimination, and foster good relations should the proposal to close the school be agreed.
- 9.6 The council recognises that the proposal to close the school is at odds with other stated objectives of the Council including its anti-racist pledge. Whilst the council recognises that it must be more transparent in its decision making and better demonstrate consideration of the impact decisions could have on those with protected characteristics, the requirement to address the issue of falling pupils numbers, financial pressures across the school system and minimise the risk to the Council's own viability result in having to put forward the proposal to close a school in an area with declining pupil numbers for which there is no compelling evidence of the school's on-going viability.
- 9.7 As a result, the council has identified in the EIA steps that can be taken to mitigate the effects of the school's closure.

## **10. Sustainability implications**

- 10.1 The proposal to close St Bartholomew's CE Primary School could extend the length of journey families need to undertake to take their children to school. This could have an impact on the use of private vehicles, or the number of journeys undertaken on public transport especially when the distance from home to school increases when children are placed in other schools.
- 10.2 At this stage it is not possible to anticipate patterns of parental preference to identify what mitigation measures will need to be in place. However, 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

And it would be expected that schools receiving pupils as a result of a decision to close the school are supported to amend these to take account of the changes that occur.

- 10.3 The Council has heard the concern about safe walking routes to school especially for families who have younger children or those whose additional needs may make their behaviour unpredictable. Consideration will need to be made to reviewing routes considered safe walking routes where concerns have been expressed. In addition, due consideration will be given to the circumstances of any families who apply for transport assistance once their child has been allocated a new school place.

## **Supporting Documentation**

### **1. Appendices**

1. Primary School Place forecast



2. Equalities Impact Assessment
3. Draft Statutory Notice
4. Draft Full Proposal Information

**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.