

Brighton & Hove City Council

Cabinet

Agenda Item 156

Subject: Proposed closure of Middle Street Primary School

Date of meeting: Thursday, 19 March 2026

Report of: Cabinet Member for Finance and City Regeneration

Lead Officer: Corporate Director for Families, Children and Wellbeing

Contact Officer: Name: Richard Barker

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Ward(s) affected: (All Wards);

Key Decision: Yes

Reason(s) Key: Significant impact on 2 or more Wards

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the consultation on the proposal to close the affected school did not end until 9 March 2026. Sufficient time then needed to be allowed for consideration and analysis of all responses received.

1. Purpose of the report and policy context

- 1.1 In response to serious concerns about Governance and financial viability, an Interim Executive Board (IEB) was appointed in June 2025. Having concluded that the school does not have a viable future, the IEB recommended closure with effect from 31 August 2026. This report considers that proposal, following the public consultation.
- 1.2 This report details the response to the recent public consultation on the proposal to close Middle Street Primary School on 31 August 2026 and seeks approval to publish a statutory notice.

2. Recommendations

- 2.1 That Cabinet agrees to the publication of a statutory notice in respect of the proposed closure of Middle Street Primary School with effect from 31 August 2026. The committee notes that publication of the statutory notice will trigger a four-week representation period which will run from 8 April 2026 to 5 May 2026 during which interested parties can comment on the proposal.
- 2.2 That Cabinet notes that following the representation period a further report will come back to Full Council on 21 May 2026 at which a final decision will be made.

3. Context and background information

- 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 (October 2024)”
- 3.2 Middle Street Primary School is a community primary school, and 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.
- 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 pupils requiring an alternative school place, and where there is no predicted demand for the school in the medium to long term and the school 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 meeting, Cabinet has to make a decision whether to proceed with the proposals by publishing a statutory notice. Publication of the notice 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, Cabinet decides to publish a statutory notice, it is proposed that the four-week representation period will start on Wednesday 8 April 2026 and run until Tuesday 5 May 2026. A report will then be prepared for a decision to be made on the proposed closure by Full Council on 21 May 2026.

Public Consultation

- 3.6 On 19 January 2026, Ward Councillors and unions were notified of the proposal to undertake a public consultation on the closure of Middle Street Primary School. Staff, parents, headteachers of all Brighton & Hove City Council schools and Academies and the DfE Regional Director and Ofsted were informed on 20 January 2026.
- 3.7 The consultation ran between 26 January 2026 and 9 March 2026, including three public meetings held on 10 February, 25 February and 4 March. A meeting for staff at the school took place on 26 February.
- 3.8 There were 128 responses on the Your Voice Portal, and 2 submissions received by email. A summary of the 128 responses on the consultation portal is provided below. Only 13 (10%) of the responses strongly agreed or agreed with the Council’s proposals to close the school. 108 (84%) of responses either strongly disagreed or disagreed with the Council’s proposals.

Option	Total	%
Strongly Agree	8	6.3%
Agree	5	3.9%
Neither Agree nor Disagree	6	4.7%
Disagree	10	7.8%
Strongly Disagree	98	76.6%
No Answer	1	0.8%
Total	128	100%

3.9 Reasons provided by responders for opposing the proposals included the following themes:

The school's history, ethos and educational quality. Attendees expressed strong attachment to the school and spoke about the qualities that had led them to choose it. The small, family atmosphere, inclusive culture and the particular suitability of the environment for children with additional needs were all highlighted. Consultees noted that outcomes at the school had historically been strong and that the school had provided a high standard of education. A number of respondents reflected on family members across different generations having attended the school. The school's status as the oldest primary school in Brighton was frequently cited, and a number of respondents reflected on family connections spanning multiple generations.

The school's identity as a non-faith, secular school in a central location was also highlighted as a distinctive and valued feature, particularly by families for whom this had been an important factor in choosing it. Many respondents emphasised the school's diversity and its creative spirit as qualities that set it apart from other provision in the city, and noted that it is the only non-faith, centrally located primary school in Brighton. For a number of families these characteristics had been the decisive reason for choosing the school

The circumstances leading to the school's current position. There was a concern that the school's situation had been caused or compounded by events within the school's recent history including protracted employment issues, high staff turnover, and the resulting periods of leadership instability rather than by any inherent unviability of the school or its community. A related but distinct concern was raised about financial oversight: consultees questioned how the school had been permitted to accumulate a significant deficit without earlier intervention, and whether adequate monitoring had been in place at either Local Authority or governing body level. Consultees called for acknowledgement and accountability of the Council's responsibility for its oversight and for greater transparency about the events that had led to this point.

There was also a widely held view that the consultation and closure process had been handled in a way that was rushed and poorly communicated, and that the resulting instability had itself contributed to families leaving the school, further worsening the roll position. Several respondents suggested that the Council's actions may have been short-sighted, and questioned whether the process had been conducted with a view to financial or property

considerations rather than educational ones. Officers acknowledged the depth of feeling expressed and confirmed that lessons would be reflected upon.

The range of options considered. There were questions raised at consultation meetings as to whether all alternatives to closure had been fully explored and concern was expressed that parents had not been given sight of the options earlier in the process. Officers explained that the IEB had considered a range of options including federation, academisation and standalone models and confirmed that full details were available through the IEB's published minutes.

A number of respondents also questioned whether the timeframe over which the decision had been developed was sufficient given the significance and permanence of the outcome, and whether further time and active support might have allowed a different picture to emerge.

Impact on pupils, particularly those with SEND. Concerns were raised about the disproportionate impact of closure on pupils with special educational needs, and whether alternative schools would be able to replicate the level of support currently provided. Consultees requested that educational psychology support be made available to pupils during the current period of uncertainty, not only at the point of transition. More broadly, respondents highlighted the impact of the closure process on the wellbeing, mental health and educational progress of current pupils, and on the continuity of support for vulnerable families.

Communication. A recurring concern was that communication from both the headteacher and the IEB had been insufficient. Parents described feeling uninformed and, in some cases, having had to rely on social media and rumour rather than official communications. Officers acknowledged these concerns and confirmed that IEB minutes were published on the school website.

In addition to the concerns already noted, several respondents specifically highlighted the reassurance given to parents during the autumn term that closure was not imminent, followed shortly afterwards by the announcement of the proposal. This sequence of events was raised as a particular source of hurt and distrust and compounded the broader sense among some consultees that they had not been kept honestly informed.

The school's city centre location and the loss of provision for central Brighton families. A significant number of responses raised concerns specific to the school's location and community school status, noting that Middle Street Primary School serves families living in the city centre who depend on a school within walking distance, and that its closure, following that of St Bartholomew's CoE Primary School, represents a further reduction in accessible central provision. Concerns were also raised about the implications for young children being required to travel further, and about the additional pressure this would place on already oversubscribed neighbouring schools. A formal submission from Living Streets Brighton and Hove Group

specifically addressed the active travel and sustainability dimensions of consolidating provision away from where city centre families live.

The future use of the school site. A distinct concern raised by several consultees related not to the closure itself but to what would follow from it. Several respondents expressed apprehension that the building would be sold for private development, and some suggested that the site's potential value may have been a factor in the decision to propose closure rather than to pursue alternatives. Calls were made for the building to be retained for community or educational use, and for transparency about the Council's intentions for the site.

Views in support of closure. A minority of respondents expressed support for the proposed closure. Those doing so tended to cite the school's financial unviability and low pupil numbers as the principal reasons, and some acknowledged the sadness of the situation whilst nonetheless concluding that closure was inevitable given current circumstances. The importance of ensuring the sustainability of other schools across the city was also a factor for support.

Community readiness and the potential for recovery. A number of respondents offered a more forward-looking perspective, contending that the conditions for a genuine recovery were now in place. They noted that the current parent community was positive, engaged and actively committed to rebuilding the school's reputation. Evidence of wider community and business goodwill was cited in support of this view, with respondents pointing to practical support already secured from local organisations as an indication of the confidence that existed in the school's potential.

Respondents in this group argued that the school's one form entry size meant that supporting its continuation would not come at a cost to other provision in the city, and that a successful recovery story could have significant value both for the school's community and for the Council's wider standing. Some expressed concern that the decision was being made before sufficient time had been allowed to test whether the school could turn its position around under the current leadership arrangements.

Local authority capability and the quality of support provided to the school. Concerns were raised, informally and on the basis of partial knowledge, about the adequacy of support provided by BHCC to the school in managing a complex set of circumstances over an extended period. Questions were raised about the capability and capacity of officers to support schools facing serious employment and safeguarding matters and whether the advice and guidance available to the school had been consistent with national frameworks and sufficient to enable the school to manage the situation safely and effectively.

It was also suggested that the volume and nature of complaints experienced by the school had been exacerbated by the circumstances described, and that the school had not been given the level of support it needed to manage those complaints within other exceptional pressures.

School Context

- 3.10 In order to address serious concerns about governance and finances, the Council appointed an Interim Executive Board (IEB) in June 2025 to replace the Governing Board of Middle Street Primary School to address serious concerns about governance and finances. The IEB worked intensively over a period of several months to assess the school's position and identify a viable way forward. At its meeting on 16 December 2025, the IEB considered a range of options for the school's future, including continuing as a standalone primary school, joining a Multi-Academy Trust (MAT), forming a federation with another local school under a range of leadership structures, and recommending closure to the Council. Having assessed each option against the school's financial position and admission projections, the IEB voted at that stage to pursue federation as the preferred route to securing the school's future, with a restructured leadership model intended to reduce costs while maintaining educational quality.
- 3.11 However, in the weeks that followed, the school experienced a rapid and significant loss of pupils, driven in part by rumours circulating in the community about the possibility of closure. By January 2026, 42 children had left since the start of the academic year and only three first-preference applications had been received for September 2026, against a planned admission number of 30. The IEB met on 15 January 2026 to consider this changed position. Members noted that the financial model underpinning the December federation plan was dependent on a minimum intake of 15 Reception pupils each year and no further significant losses in other year groups; the January number on roll figures made this untenable.
- 3.12 Having considered the financial implications and all relevant risk factors, the IEB unanimously agreed that the school was no longer financially viable and recommended that the Council launch a consultation on closure with effect from 31 August 2026. All IEB members acknowledged this to be a regrettable but necessary decision.
- 3.13 Middle Street Primary School has the capacity to admit 210 pupils. In the January 2026 census, the school had 141 pupils on roll across Reception to Year 6, but since the announcement of the public consultation on the closure of the school on 26 January the numbers on roll have decreased to 71 pupils.

Reasons to propose to close the school

- 3.14 The Council acknowledges the level of concern in response to these proposals. Nonetheless it is recommended to proceed with publishing a statutory notice to close Middle Street Primary School on 31 August 2026. Closure is considered necessary for the reasons set out below.
- 3.15 The school is currently operating with a significant budget deficit. The forecast deficit for 2025/2026 is in the region of £400k and the school is currently unable to forecast reaching a balanced budget position in the longer term. The declining enrolment, combined with increasing costs and

this challenging budget position, means the school faces an unsustainable financial situation that severely limits its ability to continue operating effectively.

- 3.16 The school has capacity for 210 pupils, but at the end of February half-term have 71 pupils on roll, representing a significant level of surplus places. With pupil numbers in the city projected to fall further, there is no credible financial plan that demonstrates the school returning to a sustainable budget position.

School	Year R	Year 1	Year 2	Year 3	Year 4	Year 5
Middle Street Primary – current pupil numbers	7	5	9	9	11	3

There are 27 pupils in Year 6 that will be transitioning to secondary schools in September 2026.

- 3.17 The IEB appointed specifically to assess the school’s position and explore options for recovery, concluded after seven months that critical risk factors severely limit the school’s ability to recover and that closure is the only viable course of action.

Pupils Requiring Alternative Places

- 3.18 The Council is confident that there is sufficient capacity to accommodate pupils requiring alternative places, if the school is to close. While school places potentially fluctuate on a daily basis as at January 2026, there are 534 available spaces in schools within 1.5 miles of Middle Street Primary School, with availability across all year groups as set out in the table below:

School	(Metres)	(Miles)	R	1	2	3	4	5
St Paul's CE Primary School	613.65	0.38	7	11	11	14	7	0
St Mary Magdalen's RC School	757.05	0.47	5	9	3	6	6	1
Carlton Hill Primary School	1136.81	0.71	1	0	0	0	0	0
Queens Park Primary School	1548.39	0.96	26	8	27	19	16	15
Brunswick Primary School	1576.36	0.98	10	19	6	14	19	24
Stanford Junior School	1762.99	1.10	~	~	~	11	39	2
Hove Junior School - Holland Rd	1765.93	1.10	~	~	~	4	13	23

West Hove Infant School - Holland Road	1766.30	1.10	6	1	16	~	~	~
Stanford Infant School	2136.59	1.33	1	17	24	~	~	~
St Luke's Primary School	2166.30	1.35	0	0	0	2	0	3
Elm Grove Primary School	2211.32	1.37	7	2	0	10	3	2
Fairlight Primary School	2247.32	1.40	9	3	0	7	6	4
Downs Infant School	2338.95	1.45	1	0	10	~	~	~
St Martin's CE Primary School	2393.53	1.49	2	2	9	8	0	3

(Year 6 pupils are in their final year and expected to transition to secondary school in September 2026)

- 3.19 Parents who have not applied by the end of the Spring Term for a new school place will be contacted by Schools Admissions Team and asked to submit preferences for new school places. Any families who have already applied for Reception places at Middle Street Primary School will be contacted about the consultation and supported to change preferences.
- 3.20 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 and consideration can be given to identifying a new education setting for September 2026.

Pupils with Special Educational Needs

- 3.21 There are currently 8 pupils (Reception – Year 5) with an Education, Health and Care Plan (EHCP) which is 11% of the current school population. Pupils in Year 6 with EHCPs will be picked up through phased transfers to secondary school.
- 3.22 Through the consultation concerns have been expressed about how other schools will be able to meet the special educational needs of pupils, how these pupils will cope with a transition to another school and whether any receiving school would put in place appropriate interventions to support them.
- 3.23 All pupils with EHCPs will have an individual annual review to inform the decision about future provision. Pupils who are currently undergoing statutory assessment will see no disruption to that process as a result of the proposal to close the school. Evidence collected for pupils 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.

- 3.24 The Council is confident that the needs of all pupils can be met within other mainstream settings, subject to updated information obtained during the annual review process. Dedicated support from a senior SEN Casework Officer and Team Manager will oversee the transfer of pupils known to the Council's SEN service.

Supporting Transition

- 3.25 A transition support group will be established, including educational psychologists and admissions staff, to assist families in selecting schools and to support pupils through transitions. This group will work closely with the existing Middle Street Primary School staff and staff at receiving schools to ensure the transition of pupils is managed in a child-centered, caring and considered way.
- 3.26 Information on pupils' needs and on 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.
- 3.27 All schools in the city will be reminded of their role in supporting the children who need to move school.

Impact on the Community

- 3.28 The Council recognises that the proposed closure of Middle Street Primary School will have a significant impact on the school community. For pupils, families and staff, the school is not just an educational setting but an important part of their lives and the local area. The closure of any school affects the wider community, and the Council understands the sense of loss and uncertainty this proposal creates.
- 3.29 Middle Street Primary School has a long and significant history in the heart of Brighton. The first school on the Middle Street site was established in 1807 as the Union Charity School for Boys, with a girls' school joining in 1809, making it one of the oldest school sites in the city. The school's location in central Brighton has meant it has historically served a diverse community, including families from a wide range of backgrounds, and has been particularly valued by families of children with additional needs and those who have benefited from its inclusive and nurturing ethos.
- 3.30 During the public consultations, attendees at the meetings spoke with considerable feeling about the school's qualities and its importance to them. Many families described making a deliberate choice to send their children to Middle Street Primary School precisely because of its small, family feel and its supportive environment, qualities they felt were not easily replicated in larger settings. The school's recent investment in its physical environment, including a new playground, rain garden and solar panels, was highlighted by a number of attendees as evidence of commitment to the school's future, and several expressed frustration that this investment had been made so shortly before the proposal to close.

- 3.31 The Council recognises that Middle Street Primary School has provided a high standard of education to many children over many years, and that its closure represents a genuine loss for those who have been part of its community. The Year 6 cohort in particular were noted, both by the IEB and by consultation attendees, as a strong, cohesive group — a reflection of the commitment shown by pupils and their families during what has been a period of significant staffing instability, including considerable teacher turnover across Years 4, 5 and 6.
- 3.32 The consultation process has been designed to ensure that all voices are heard and that the full range of impacts, educational, social and emotional, are properly understood and considered before any final decision is taken.
- 3.33 The timing of the statutory school admissions process created particular difficulties during the period of uncertainty surrounding the school's future. Parents were required to submit offers of places in accordance with the School Admissions Code, at a point when the outcome of the consultation had not yet been determined. Faced with that uncertainty, a number of families made the understandable decision to secure places at alternative schools, accelerating the decline in pupil numbers at a time when the roll was already under significant pressure. This dynamic, whilst an unavoidable consequence of the interaction between the statutory proposal process and the admissions process, contributed to a further deterioration in the school's forward financial position.

Staffing

- 3.34 Should the school close, staff jobs will be at risk. Of the 35 staff posts at the school, 21 staff qualify for redundancy. Estimated redundancy costs are £156,289.88 at basic statutory rates, or £271,633.00 with enhancement for staff under 55, plus additional pension costs for a small number of staff to be calculated.
- 3.35 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 those schools may undertake. Individual HR support will be made available to staff, including access to the employee assistance programme and support with redeployment opportunities.
- 3.36 A seven-week staff redundancy consultation is running from 9 February to 27 March 2026, with HR and Union support throughout.
- 3.37 Staff who are made redundant will receive their relevant entitlements depending on the role they hold at the school and their levels of continuous service.

Accommodation

- 3.38 As a community school, the school building and land are the responsibility of

the Council. Security plans will be developed for the site from 31 August 2026, alongside arrangements for asset distribution and records storage.

Travel

- 3.39 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.
- 3.40 The Council is unable to forecast what preferences parents will have for alternative schools for their children to attend. Most families will be able to choose a school within a reasonable walking distance from Middle Street Primary School given the number of places available in nearby schools.
- 3.41 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. Families may therefore be eligible for transport assistance from the Council, depending on their circumstances and once a new school place is known.

4. Analysis and consideration of alternative options

- 4.1 The Council could propose not closing Middle Street Primary School or could propose to close the school over a longer 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. The IEB, which was specifically appointed to address the school's financial and governance challenges and to explore options for recovery, concluded after seven months that critical risk factors severely limit the school's ability to recover.
- 4.3 The IEB's assessment was thorough and considered a number of specific alternatives before reaching its conclusion. These included: maintaining the school as a standalone primary with a substantive headteacher; joining a Multi-Academy Trust (MAT), which was assessed as unviable given the scale of the existing deficit; and two models of federation with another local primary school – one retaining a full-time Headteacher and one restructuring to a part-time Executive Headteacher and Head of School arrangement to reduce costs. The IEB also considered different models of school organisation based on different numbers of classes. In particular the IEB considered a four-class school structure and assessed whether this could deliver a financially balanced position over a five year period. While such a model was judged potentially viable by 2028 under optimal conditions, it would have required full classes, capped staffing costs, and a minimum annual Reception intake of 15 pupils, conditions that could not be met given

the pupil numbers recorded in January 2026. The IEB concluded that there was no alternative to closure which offered a credible and sustainable future for the school.

- 4.4 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. It can reasonably be expected that if a longer closure period were agreed, more families would move their children to alternative schools as the revised closure date approaches, further compounding the school's viability. Therefore, an alternative closure timetable or a proposal not to close the school are not considered appropriate.
- 4.5 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. 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 26 January and 9 March 2026. Three public meetings were held on 10 February, 25 February and 4 March 2026. A meeting with staff took place on 26 February. Ward Councillors and unions were notified on 19 January 2026, and staff, parents, headteachers, the DfE Regional Schools Commissioner and Ofsted were informed on 20 January 2026.
- 5.2 The online consultation response form received 128 responses and 2 direct responses to the Council by email. A summary of all responses is provided above, and the full responses will be made available to Cabinet members for their consideration.
- 5.3 It will be apparent that this report is published within three days of the consultation closing. By way of reassurance this is because officers have worked to absorb and consider responses as they came in during the consultation, and therefore there were only a reduced number of responses to consider following the closure of the consultation period. All responses received have been fully considered before the drafting of this report was completed.

6. Financial implications

- 6.1 School budgets are determined in accordance with criteria set by the government and school funding regulations dictate that the vast majority (over 90% in 2025/26) 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 their annual budgets.
- 6.2 Middle Street Primary School is currently operating with a licensed deficit, and it is expected that there will be a deficit in the region of £400k at the end

of the 2025/26 financial year. With rapidly declining pupil numbers it is likely that this deficit will escalate further in subsequent years.

- 6.3 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. There will also likely be additional costs relating to redundancies and pensions that would result in further costs to the Council's general fund. The Council is making provision for this expenditure as part of its 2026/27 financial modelling.
- 6.4 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.

Name of finance officer consulted: Steve Williams Date consulted:
25/02/2026

7. Legal implications

- 7.1 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.
- 7.2 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 Middle Street 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 taken to Full Council for a final decision on closure.
- 7.3 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.
- 7.4 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.

- 7.5 The Council is the employer of staff engaged at its community schools. It must take further advice to ensure compliance with employment law if staff become affected by these proposals.

Name of lawyer consulted: Serena Kynaston Date consulted: 24/02/2026:

8. Equalities Implications

- 8.1 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.
- 8.2 This report is accompanied by an Equalities Impact Assessment (Appendix 2).
- 8.3 Pupils with Education, Health and Care Plans (EHCPs) are being supported by a dedicated transition support team and their individual transition arrangements are ongoing.
- 8.5 The consultation process has been designed to be accessible to all members of the school community, including support for families where English is not their first language, and for those whose children have special educational needs. Further engagement with affected groups will inform the full Equality Impact Assessment to be presented in May.

9. Sustainability Implications

- 9.1 The proposal to close Middle Street Primary School could affect 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.
- 9.2 However, given the availability of a significant number of places in schools within close proximity to Middle Street Primary School, it is expected that the majority of families will be able to access an alternative school without significantly extending their journey. Schools are expected to have a School Travel Plan 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.

- 9.3 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.

10. Conclusion

- 10.1 The Council has undertaken a public consultation on proposals to close Middle Street Primary School on 31 August 2026.
- 10.2 A total of 128 responses were received via the Your Voice consultation portal, together with 2 direct responses to the Council. The majority of replies disagree with the proposals and raised concerns as set out in 3.9 above.
- 10.3 As of February 2026, the school will be operating with 71 pupils on roll, against a capacity of 210, with pupil numbers projected to fall further by Easter.
- 10.4 The school is forecasting a deficit in the region of £400k for 2025/2026 and there is no credible financial plan that demonstrates the school returning to a balanced budget position.
- 10.5 The IEB, appointed specifically to assess the school's viability and explore recovery options, concluded after seven months that the school does not have a viable future and recommended closure. The absence of a viable financial recovery plan and the continued fall in pupil numbers mean any alternative to closure would require additional and ongoing support from the Council.
- 10.6 In recommending that the school closes, the Council is committed to supporting all pupils to find alternative school places, be supported to attend schools if their circumstances mean they are entitled to transport assistance, and to work with receiving schools to meet the needs of the children. A transition support group will be established, and the Council will clearly state its expectations of receiving schools so as to minimise the impact on children having to attend another school.
- 10.7 There are 534 available places within 1.5 miles of Middle Street Primary School and the Council are confident that sufficient capacity exists across the city to accommodate all pupils.
- 10.8 If the recommendations in this report are agreed, a statutory representation period of four weeks will run between 8 April 2026 and 5 May 2026, during which time any person may make further comments on the proposal. Once any further comments are considered a further report will be brought to Full Council on 21 May 2026, at which a final decision will be made.

Supporting Documentation

Appendices

- Appendix 1 Primary School Place Forecast
- Appendix 2 Initial Equalities Impact Assessment
- Appendix 3 Draft Statutory Notice
- Appendix 4 Draft Full Proposal Information
- Appendix 5 Summary of Consultation Phase Responses