

CHILDREN, FAMILIES & SCHOOLS COMMITTEE ADDENDUM 1

4.00PM, THURSDAY, 29 FEBRUARY 2024

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD,
HOVE, BN3 3BQ**

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ADDENDUM

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Brighton & Hove City Council

Children Families & Schools Committee

Agenda Item 59

Subject: Proposal for closure of St Bartholomew's CE Primary School

Date of meeting: CFS committee 29 February 2024
Full Council 4 March 2024

Report of: Executive Director Families, Children & Learning

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Ward(s) affected: All

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the representation period following the publication of a statutory notice in respect of the school closure proposal did not end until 20 February 2024. Sufficient time then needed to be allowed for consideration and analysis of representations received.

For general release

1. Purpose of the report and policy context

- 1.1 In response to the fall in primary pupil numbers both in Brighton and Hove and nationally, and the consequential impact on schools' finances and the Council's own funding position, it is proposed that two, one form entry primary schools are closed. This proposal will assist in addressing the number of unfilled places in the city, having considered the longer-term viability of both schools in relation to pupil numbers, financial viability and the availability of places in the surrounding area.
- 1.2 This report details the response to the recent publication of a Statutory Notice and the earlier public consultation on the proposal to close St Bartholomew's CE Primary School on 31 August 2024 and seeks approval to recommend the school's closure to Full Council.

2. Recommendations

Recommendations to Children, Families and Schools Committee 29 February 2024

- 2.1 That Committee notes the responses received during the representation period following the publication of a Statutory Notice on 23 January 2024 proposing closure of St Bartholomew's CE Primary School.

- 2.2 That Committee agrees to recommend to Full Council the closure of St Bartholomew's CE Primary School with effect from 31 August 2024, for consideration by Full Council on 4 March 2024.

Recommendations to Full Council 4 March 2024

- 2.3 That Full Council accept the recommendation from the meeting of Children, Families and Schools Committee on 29 February 2024 and notes the draft minutes.
- 2.4 That Full Council approve the closure of St Bartholomew's CE Primary School with effect from 31 August 2024.

3. Context and background information

- 3.1 The proposal is made in the context of the school being unable to meet its published admission number over a number of years and significantly falling pupil numbers across the city. Pupil numbers across the city are projected to continue to fall further in the coming years, which has the potential to generate a decline in the first preference applications to the school. This is occurring in a context of an already excessive number of surplus school places in the city, causing an unsustainable and increasing financial burden to schools and so the Council, in the context of unprecedented pressures to the overall Council budget.
- 3.2 The number of primary school age children in the city has dropped significantly in recent years. The national Census undertaken in 2021 revealed that there was a 22% drop in children aged 0-4 living in the city in the 2021 census compared to the 2011 census. Whilst there has been a national trend in declining numbers of primary school age children the situation in the city is also more acute than both the regional and national picture. Brighton & Hove's population profile had fewer children & young people aged 0 to 19 (20.5%) compared to the South East (23.1%) and England (23.1%).
- 3.3 The Council has a statutory duty to ensure that there are a sufficient number of school places for pupils and that places are planned effectively. In fulfilling this duty, the Council must take into account the fall in pupil numbers overall across the city, and the fact that they are forecast to continue to fall over the next few years.
- 3.4 The implications of excess school places for the funding of schools is stark and inevitably has implications for the education that schools running deficits can provide and the impact upon Council services, where large deficits need to be supported. Schools are funded by the Government, not the Council. The funding is largely calculated on a per-pupil basis. The vast majority of a school budget covers staffing costs. If schools do not have enough pupils attending or suffer from fluctuating numbers, this brings sustained and increasing financial pressure on them. Falling rolls equate to reduced funding to deliver education. The reality is that the current formula for funding by central government does not make smaller class sizes viable

within the budget of a school, even if understandably they might be the preference of parents. Reduced and less flexible budgets will inevitably have an impact on the educational offer of a school. Schools, like St Bartholomew's, who are unable to operate in a financially efficient way risk entering a budget deficit. If the number of surplus places in the city is not addressed the likelihood is that an even greater number of schools competing for a declining population of primary age pupils could face significant financial issues, that will impact on their ability to sustain their school improvement journey.

- 3.5 Where schools do not take appropriate action to adjust their expenditure in line with changes in revenue, they risk incurring a deficit budget which has an implication for the school and the Council's own budget. This comes at a time when the Council is facing severe financial pressures across almost every area of council services, and unpalatable decisions are being taken by almost every council department to try to balance the Council's budget. Unless action is taken to reduce the number of unfilled places in the city it will place greater pressure on the Council's own funding. The latest figures published by the Department of Education for 2022/23 outlined in Paragraph 3.8, confirm that the number of deficits the Council has agreed was significantly above the national average.
- 3.6 The use of a licensed deficit permits schools to plan their budget to balance or move into surplus within a 3-5 year period. The current economic conditions faced by schools, including the funding levels set by central government are making it more difficult for schools to maintain a positive budget position. For the 2023/24 financial year there are 33 schools (out of a total of 61 maintained schools) that have licensed deficit budget arrangements. This represents 54% of all schools with the greatest pressure being in the primary phase, where 29 out of a total of 48 schools will be operating licensed deficits.
- 3.7 As reported in a recent [Schoolsweek](#) article published in January 2024, highlighting a recent [dataset released by the Department for Education](#), the proportion of primary schools in deficit is now at its highest level since the current dataset began in 2015. Other than Brighton and Hove the only other authorities with a similar proportion of schools in deficit appears to be the London Boroughs of Havering and Westminster, where more than 40 per cent of primary schools have a deficit.
- 3.8 The position in the city is more acute than the national picture. Whereas DfE figures show that nationally in 2022/23 12.3% of primary schools had a negative revenue balance (deficit), the proportion in Brighton & Hove for primary schools in deficit was 40.8%. This highlights the extent of the stress on primary school finances in the city and reinforces the need to take action on unfilled places due to the number of schools impacted at this time. The total of the licensed deficits for 2023/24 is £4.393m. This is only slightly below the net school balances at the end of the 2022/23 financial year which was a surplus of £4.540m. It is anticipated that by the end of the 2023/24 financial year there will no longer be an overall surplus balance position and that the net position across all schools will be around the breakeven mark, however this assumes some improvement in school forecasts between now

and the end of the financial year, and there is still risk that overall school balances will show a net deficit position at year-end.

- 3.9 Any assumption or reliance on the Council being able to continue to absorb deficits at the current level needs to be considered in the broad context of the Council's overall financial position. The Government's Autumn Statement 2023 and recent additional funding announcement purport to increase Local Government Spending Power by 7.5% for 2024/25. However real terms inflation being experienced by the Council is closer to 8% due to increases in the costs of social care provision, most of which is externally provided, together with energy cost uplifts, increased interest rates driving up capital financing costs, and increased external contract costs. Moreover, the funding does not keep pace with significant increases in demands including, for example, significant growth in adult and children's social care, home to school transport, and homelessness. The impact of the cost of living crisis on council incomes is further compounding funding pressures, including everything from reduced planning fees to lower commercial rent incomes, to lower than expected parking and permit income.
- 3.10 In summary, as the Local Government Association (LGA) has noted, the Autumn Statement 2023 falls far short of the funding needed to meet demand and cost pressures across local government. In this Council, the conservative estimate of the growth in costs and demands in 2024/25 is approximately £48 million, an unprecedented increase of over 20% of the council's net budget. This includes the combined impact of inflation, increased demands and reduced incomes as referred to above. A budget shortfall (gap) of over £30 million is estimated for 2024/25 and this inevitably results in some very difficult choices given that the Council has no unallocated provisions or risk reserves to help the position in the short term. This adds to the challenge of councils being able to develop viable, sustainable medium term financial plans and it remains to be seen how many councils will continue to be financially viable over the next 2 years without resorting to unsustainable, short-term measures including using up emergency reserves (Working Balances) or selling off public assets.
- 3.11 It is against this backdrop that the Council is having to take significant steps to address the negative impact on school finances of unfilled school places. With a continued drop in the forecast of Reception school places needed in future years, it is imperative to avoid an accumulation of financial pressures across primary phase schools and why such significant steps as the closure of St Bartholomew's CE Primary School have to be considered. If the Council fails to take action to reduce the number of surplus places in the city in the longer-term, school budgets will remain lower thus making 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.
- 3.12 The Council monitors surplus reception places, a key measure of demand, and aims to maintain a 5-10% surplus across all city primary schools.
- 3.13 Significant surplus school places across the city will make it more difficult for some schools to attract sufficient pupils to operate to the maximum of their

published admission number. During the public consultation period the Council obtained updated data to forecast pupil projections to September 2027 and revised 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, not taking into account places removed in September 2025 following recent committee decisions, see 3.15 below. 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

- 3.14 The Council is confident in its forecasting. In December 2022, the Council estimated that 2107 starting school places would be required in September 2024. On 7 February 2024, a total of 2120 first preference applications have been made for Brighton and Hove schools for September 2024, the forecast is 99.4% of the actual pupil number and provides assurance that the Council's pupil forecasts are a reliable source of information on which to base decisions.
- 3.15 In order to address the issue of surplus places CF&S committee took the decision at their meeting of 22 January 2024 to reduce the PAN of six primary schools in the city from September 2025 thus removing 180 reception places. The closure of St Peter's and St Bartholomew's schools would remove an additional 60 places. Further measures to address falling rolls are likely to be required in the coming years to bring the number of primary school places in the city into line with current and projected demand. If taken forward, the proposal outlined in this report would begin to address the issue of falling rolls by removing 30 reception places; however, in isolation, this is unlikely to resolve the problem and, based on current projections, further action to address surplus reception places is highly likely.

St Bartholomew's CE Primary School and the central planning area

- 3.16 St Bartholomew's Primary school is a voluntary aided primary school in central Brighton. It has a Published Admission Number (PAN) of 30 and capacity for 210 pupils from Reception to year 6.
- 3.17 There are 406 applications from families living in the Central City planning area for reception places at Brighton and Hove Schools in September 2024. This compares with a forecast figure of 415 pupils, a forecast accuracy rate of 97.8%.
- 3.18 The table below shows the Council's forecast of demand for school places in the planning area up to September 2027. Note that this is an extract from the complete table contained at Appendix 1. No further analysis of the pupil forecasts has been undertaken during the representation period.

Date of Birth / school year	School year in Sept 2024	BN1 2	BN1 3	BN1 5	BN1 1	BN1 4	BN1 6	BN1 7	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places
4 Central City			St Mary Mags Prim St Pauls Primary	Stanford Infant Stanford Junior Westdene Primary	Middle Street Primary	St Bartholomews	Downs Infant Downs Junior Ballour Primary St Bernadettes Pri	Hertford Infant Hertford Junior St Josephs Primary			
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	<5	57	210	96	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

3.19 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 St Bartholomew's will not simply draw pupils from the BN1 4 postcode but the localised picture, of there being surplus places in the planning area, 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 and the second lowest in the city.

3.20 This proposal would reduce the number of Church of England 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 that both the consultation and the response received during the representation period from the Chichester Diocesan Board of Education (CDBE) highlight the decrease in the number of Church of Education school places available to children in the city. The CDBE sees this as very significant in relation to any further or future reviews that the Council may initiate.

3.21 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 which is under 1100 metres from St Bartholomew's CE Primary School. In addition, St Martin's CE Primary and Nursery School is 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 2023.

3.22 The table below details the number of pupils on roll at St Bartholomew's CE Primary School on census day in both October 2022 and October 2023. This is the second lowest number of children in Year R to Year 6 of any primary school in Brighton & Hove. The school with the lowest number on roll is St Peter's Community Primary and Nursery School which is also subject to a proposal to close. The October census figures are used to determine a school's budget in the following 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

The school experienced a lower level of pupil numbers in October 2022 than they had at other points in that academic year.

- 3.23 As at 21 February 2024, 134 pupils in total remain on roll at St Bartholomew's CE Primary School which demonstrates the commitment of families to support the school's efforts to avoid the school's closure. 112 pupils are still on roll 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.
- 3.24 Whilst undoubtedly affected by the Council's proposals, the number of first preferences received for the school from parents of children due to start at the school in September 2024 is substantially lower than the school's PAN and would have a significant impact on the school's budget allocation for 2025/26 should the school not increase pupil numbers before the October 2024 census which informs funding levels in the following financial year. Individual parents will not be informed of the outcome of their applications until National Offer Day on 16 April 2024 and so the specific figure for first preferences cannot be published here but is provided to Members in their background papers.
- 3.25 The school is currently forecasting that at the end of 2023-24 financial year its budget will be in deficit by approximately £205,000. This represents 27% of the school's 2023/24 formula budget allocation of £753,000. The school's budget for 2024/25 has been determined as £905,325. The increase in budget in 2024/25 reflects the impact of the low pupil numbers recorded by the school in October 2022 which had a detrimental impact on the school's budget allocation in 2023/24. In the event of the school closing, it will only be allocated the pro-rata amount of funding April 2024 – August 2024 with the remaining funding re-distributed to other schools in the city for the period September 2024 – March 2025.
- 3.26 If the school was to remain open, the Council would be required to support the school for an uncertain period of time into the future before the deficit was cleared and this would create additional risk to the Council's own General Fund which at this time would add to the need for the Council to continue to take drastic financial action, as detailed in recent budget proposals put forward to Full Council. Further information regarding the financial implications of the closure can be found at paragraph 6 below.
- 3.27 Based on all the factors above, with considerable regret, the Council remains of the view that St Bartholomew's is no longer financially viable.

4. Process to close a school

- 4.1 The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 (“the Regulations”) set out the reasons for closing a maintained school. These include, but are not limited to, where:
- there are surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicted demand for the school in the medium to long term;
 - it is to be amalgamated with another school;
 - it has been judged inadequate by Ofsted and the Secretary of State has revoked the academy order;
 - it is no longer considered viable;
 - it is being replaced by a new school
- 4.2 When seeking to close a school the Council is required to follow the processes set out in the Department for Education statutory guidance “Opening and closing maintained schools -Statutory guidance for proposers and decision makers, January 2023” (“the DfE Guidance”). In particular the Guidance sets out the considerations that should be taken into account by the decision maker when deciding proposals to discontinue (close) a school. It requires that the decision maker should have due regard to all responses received during the representation period and be satisfied that the proposer has carried out the requirements of the statutory process satisfactorily.
- 4.3 On 6 November 2023 CF&S committee decided to proceed to consultation on the proposal to close St Bartholomew’s school. (The November committee report is included as Appendix 5). A consultation ran between 7 November 2023 – 20 December 2023 which gathered feedback on the proposals from parents and staff at the school and other stakeholders who might be impacted by the decision.
- 4.4 On 22 January 2024 CF&S committee considered the consultation feedback and agreed to publish statutory notices. The January report is included as Appendix 4. The evidence and rationale for the decision to move to the statutory notice period is set out in the January report.
- 4.5 When publishing Statutory Notices, the Guidance states that “the proposer must publish the full proposal on a website along with a statement setting out:
- how copies of the proposal may be obtained;
 - that anybody can object to, or comment on, the proposal;
 - the date that the representation period ends (4 weeks from publication); and
 - the address to which objections or comments should be submitted.”
- 4.6 A brief notice containing the website address of the full proposal must be published in a local newspaper.
- 4.7 The council published its Statutory Notice on the Council’s webpages on 23 January 2024 [here](#). It provided details of the representation period and

proposals [here](#) and asked for responses to be made via the online [consultation portal](#). The Statutory Notice was also published in The Argus.

- 4.8 During the final 10 days of the representation period, although there is no statutory requirement to do so, in order to further publicise the proposal the Council also displayed the notices within publicly accessible buildings in the local area and further promoted to local nurseries and family hubs and social work buildings.
- 4.9 If responders were unable to access the information made available on the Council's website, they were asked to contact the Council's School Admissions team by telephone for further assistance. For those who could not use the Council's own translation facility they were asked to email the Council directly. No requests were made to the Council.
- 4.10 In addition St Bartholomew's was provided with a letter translated into Albanian, Amharic, Arabic, Begali, Greek, Hungarian, Italian, Japanese, Lithuanian, Malayalam, Pashto, Polish, Portuguese, Romanian, Tamil, Tigrinya, Ukrainian and Urdu to share with their school community which provided guidance and support on how to make a representation to the Council.
- 4.11 Copies of the proposal were sent to the following parties on or very soon after 23 January 2024:
- The Members of Parliament for Hove, Brighton Pavilion and Brighton Kemptown
 - All Headteachers and Chairs of Governors in Brighton & Hove
 - Early Years providers in the city
 - CEOs of Multi Academy Trusts with Brighton & Hove Schools
 - East and West Sussex County Councils
 - All Brighton & Hove City Councillors
 - The Anglican Diocese and their Board of Education
 - The Catholic Diocese
 - The Department for Education
 - It was also shared with Community Works and some local Voluntary and Third Sector groups to share amongst their networks.
- 4.12 Following the publication of the statutory notice, a 4-week representation period ran from 23 January 2024 until 20 February 2024, during which time interested parties were invited to make further comments on the proposal.

5. Responses to the Statutory Notices

- 5.1 All responses received are available confidentially to Members sitting on the Children, Families and Skills Committee and for Full Council for their consideration.
- 5.2 The responses received via the Council's consultation portal during the representation period have been grouped into the following categories:

Supportive – 3
 Unsupportive – 49
 Total - 52

The breakdown of responders is as follows:

Brighton & Hove resident	15	29%
Governor at one of Brighton & Hove schools	3	6%
Parent or guardian of a child(ren) not directly affected by the proposed changes	9	17%
Parent or guardian of a child(ren) directly affected by the proposed changes	10	19%
Representative of a voluntary or community group	2	4%
Teacher in one of Brighton & Hove schools	8	15%
Other	5	10%

Religion

Agnostic	3	6%
Atheist	1	2%
Christian	15	29%
I have no particular religion	9	17%
Muslim	1	2%
Not Answered	19	36%
Prefer not to say	4	8%

Ethnic origin

Black or Black British: African	2	4%
Black or Black British: Any other Black background	1	2%
Mixed: Black Caribbean & White	1	2%
Not Answered	20	38%
Prefer not to say	3	6%
White: Any other White background	2	4%
White: English / Welsh / Scottish / Northern Irish / British	21	40%
White: Gypsy or Irish Traveller	1	2%
White: Irish	1	2%

5.3 Many of the issues raised reiterated concerns which had been raised during the previous consultation period.

5.4 A summary of the points raised is set out below:

- Comments made included reference to the school being rated as Good by Ofsted, much loved by its community, being local to those living in the vicinity and there being a range of potential alternative actions that could be taken to keep the school open should pupil numbers rise in the future and more places be required.
- Reference was made to the school being in a good state of repair, the future use of the site, and the potential impact on families who might have to cross less safe areas of the city to attend school.
- The staff and the school's ethos were praised by respondents and many of the replies highlighted concern for the emotional wellbeing of the pupils, families and staff. Concerns were expressed regarding the impact on pupils with well-established friendships at the school, and how they would cope especially when services such as CAMHS were under significant pressure and pupils were still recovering from the impact of Covid measures.
- It was noted by one respondent that more decisive action around the falling pupil numbers should have been taken years ago and the consequence of delay has had a detrimental effect on the relationships between schools in the city. The suggestion was made that other big primary schools should absorb more changes in PANs to reduce the number of unfilled places in the city and there should be a range of school sizes in the city.
- Concern was expressed about the impact on the majority non-white and disadvantaged community served by the school and the need to move pupils to bigger class sizes and the impact this would have on them. The intersectionality of vulnerabilities was raised and a question was posed as to whether the school was targeted because families might not object to the closure proposal as vociferously as other school communities.
- A number of responses noted that it felt that the community had not been listened to following the public consultation, and that there had been a lack of transparency in decision making.
- The supportive comments acknowledged the difficult decision faced by the Council but felt it was necessary as small classes could not be sustained, and other schools also have significant numbers of disadvantaged children.

5.5 The Governing Body submitted their own response during the representation period which was sent to all Councillors on the Committee and will be available to Full Council. The response detailed concerns that the actions of the Council had pre-empted the outcome and made the proposed decision to close the school a fait accompli. The Governors felt that the Council had disregarded the significant number of objections to the proposals and that there was a lack of evidence that the responses had been listened to. Additionally, they felt that the data used to support the proposals was only short term, and that there was a lack of detail from the Council in relation to the costings of the proposed closure. The Governors remain concerned around issues of transition to different schools for the many pupils who are

vulnerable and have complex needs. They once again outlined proposals to alleviate budget deficits by reducing their PAN, exploring the possibility of federating with another/other school(s) and the moving of Bright Start Nursery to the school. The response ended with a request that should a decision be taken to close the school, then a longer timeframe should be considered. These proposals and issues are considered elsewhere in this report.

- 5.6 The Parochial Church Council of St Bartholomew's Church in their response reiterated the concerns expressed in the initial consultation especially around what they felt to be a tight timeframe which in their view would adversely impact on some of the most deprived children and families in the city. The PCC are of the view that proposals lack the depth which should be applied to a decision of such gravity.
- 5.7 The Chichester Diocesan Board of Education (CDBE) is the religious authority for St Bartholomew's School. Their response to the representation period sought answers to questions about the support available for the transition of pupils with Education, Health and Care Plans, SEND needs and those from vulnerable and disadvantaged backgrounds. They sought further information regarding the estimated cost of keeping the school open for a further academic year versus the cost of implementing closure by July 2024 and the additional support that children and families with English as an Additional Language (EAL) would receive.
- 5.8 The Board sought clarification on the specific support provided for the receiving schools who are already carrying significant need and the process of Annual Reviews. They also asked for clarification as to whether receiving schools would be offered additional resource to achieve a successful transition for pupils.
- 5.9 The CDBE wished to understand how the Council would strategically deploy its resource to meet this need and how the impact of the support put in place will be measured and if that will be shared.
- 5.10 The response concluded by noting that whilst the CDBE recognises other proposals are aimed at reducing some places within community schools, the potential loss of this Church of England school would be very painful and hugely significant for the parish and wider Diocese. The CDBE advised that if the school closed this would be very significant in relation to any further or future reviews that the Council may initiate.
- 5.11 The Council acknowledges the continued level of opposition to the proposal as outlined by the responses during the representation period. This report seeks to address the concerns raised and look at how the Council can mitigate the impact of closure in the event the proposal is agreed.

6 Considering the financial implications of these proposals

- 6.1 The financial year 2023/24 will be the fourth consecutive year that St Bartholomew's has ended the financial year with an overspend. It is the view

of the Council that the school has not provided a viable, long term plan to bring the budget back into a balanced position. There is also a risk that with a further fall in pupil numbers across the city the capacity of the school to attract sufficient pupils by the time of the October census which determines funding will decline still further.

- 6.2 In their representations both the Governing Body of St Bartholomew's and the CDBE have raised the potential costs to the Council should the school be closed.
- 6.3 Calculating the future consequences, both negative and positive, of a decision requires the use of assumption. The figures relating to the future financial impact of specific decisions must therefore be treated with caution however there are some factors which can be determined such as a school's budget position on a specific day, a final redundancy calculation and the total budget allocated to a specific activity. The financial impact of a child without an Education, Health and Care Plan (EHCP) moving to a new school roll can only be calculated after they have been counted on the receiving school's October census figure. This is then translated into a budget allocation for the next financial year and those funding levels are yet to be determined. The additional expenditure incurred by a school of one extra pupil being admitted will be clear if for example a new class teacher is required but may not be clear if the school is able to provide additional resources required such as curriculum materials or classroom furniture from those currently available in the school.
- 6.4 However it is important to demonstrate that the financial impact of a decision has been taken into consideration, no matter how broad the considerations and assumptions made. In considering and estimating the potential costs of closure the costs, the final figures will vary but can be categorised into 4 main areas:
- Potential redundancy and possible pension costs – Based on latest estimated data from Human Resources there is an estimated cost of £413,000. This represents an assumption that 75% of staff will accept an offer of redundancy which is felt to be a prudent estimate.
 - Write-off of deficits at the point of closure – there is a deficit of approximately £200,000 expected at the end of the 2023/24 financial year. For the purposes of financial planning there is an assumption that there will be a final deficit of £250,000 at the end of the summer term 2024.
 - Team around the school, costs to the Council of supporting displaced pupils, securing school sites after closure - Costs are not fixed but an estimate of £175,000 has been made to cover these areas.
 - Potential pay protection of redeployments – There is uncertainty about the number of potential redeployments and whether protected pay arrangements will be required. An estimate of £40,000 is being allowed which represents 10 staff at £2,000 each for 2 years.

Total potential costs as summarised above total £878,000.

- 6.5 Against the costs estimated above, the potential financial offset if the school is closed should also feature in the analysis of whether the proposal is justified. The proposal to close St Bartholomew’s will mean that pupils displaced will move to other schools in the city. The funding of the school is based on the pupils that were in attendance during the October 2023 census of pupils (used to calculate the 2024/25 budget). There were 141 pupils at St Bartholomew’s with pupil-led funding of approximately £5,000 per pupil. After closure, as pupils move to other schools in the city, there will be financial benefits to schools receiving pupils equivalent to approximately £5,000 per pupil. In total this will mean funding equating to £715,000 as an improvement to other schools, which for receiving schools, where their pupil numbers are below the PAN, will improve their budgetary position.
- 6.6 For most schools receiving pupils it is expected there will only be a very limited impact to organisational structure that should not significantly affect their cost base as pupils will be accommodated within existing surplus places. However, in recognition that there may be some situations where schools do need to increase their cost base to accommodate displaced pupils the estimates assume that a further 50% of the additional £5,000 funding per pupil will be required. Over a 5-year period, and assuming a 5% reduction in pupil numbers each year (linked to the forward projection of falling pupil numbers) it is estimated that the closure of the school will produce a net cost benefit of £1.615m to the wider primary school system.

Total potential cost offset of closure as described above: £1,615,000.

- 6.7 Overall, this would mean an estimated net potential cost benefit of £737,000 over a 5-year period. At this stage in producing these estimates no financial benefits have been allowed for possible capital receipts for future disposal of school sites, or for wider behavioural change by schools in relation to budget management as a consequence of the Council’s current proposals to close two one form entry primary schools with significant deficit budget positions.

7. Capacity to accommodate displaced pupils

- 7.1 The DfE Guidance states that “*The decision maker should take into account the overall quality of alternative places in the local area, balanced with the need to reduce excessive surplus capacity in the system*”. 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 on 21 February 2024 is as follows (it is expected that children in year 6 will remain for the rest of the year so that information is not provided but is available).

	Current Year group						
School (distance from St	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6

Bartholomew's in metres)							
St Bartholomew's – Current pupil numbers	19	16	21	23	19	14	
St Paul's (1082.21m)	4	13	10	3	6	2	
St Martin's (1704.73m)	17	11	3	5	10	7	
Stanford schools (1096.91m)	24	10	21*	28	11	9	
Carlton Hill (1310.95m)	0	0	2	1	0	0	
Downs Schools (1294.66m)	5	10	9*	0	0	2	
St Mary Magdalen's (1506.08m)	10	4	13	10	13	11	
Fairlight (1588.25m)	9	18	14	15	32	23	
Middle Street (1390.54)	1	3	3	11	6	3	
St Joseph's (2102.31m)	11	13	6	10	6	9	

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

Transition

- 7.2 Since the decision was taken to publish a Statutory Notice consideration has been given to ensuring that, should the proposals be agreed by Full Council, pupils at St Bartholomew's Primary School are supported to move to another school with maximum support from Council services so that any disruption to pupils is minimised.
- 7.3 The Council recognises that there will be an impact on all pupils 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 occurs from the move of pupils, should the school close. This latter service will have a member of staff committed to half a day per week for this work.
- 7.4 The Council has 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. This Transition Board works closely with the teams mentioned above, school staff, and staff at

receiving schools to ensure the transition of pupils is managed in a 'child-centred', caring and considered way. Head teachers attend the Board. The term of reference are provided as Appendix 3

- 7.5 The Board's membership includes the schools themselves, a parent/carer representative from PACC and a range of specialists covering Standards & Achievement, SEN, Educational Psychology, Admissions, Ethnic Minority achievement Service, Access to Education, Anti Racist expertise, and the Virtual School. The Board includes expertise in trauma-informed practice.
- 7.6 The Transition Board held a recent meeting focusing on SEN (see Pupils with Special Educational Needs section below). Future meetings will look at anti-racist practice; at children who may have multiple vulnerabilities including a diagnosis or who are known to social care; and how the Council allocates resource fairly and transparently.
- 7.7 The newly released results of the January 2024 School Census are now available. This comprehensive data is being used to populate a Vulnerability Index for all pupils at the school. Combined with more nuanced insights from the school, this will build detailed profiles of the children in most need based on information from those closest to them and enable resources to be targeted accurately and fairly in a proactive way.
- 7.8 The Transition Board is setting up a 'Team around the School', which will bring together a professional network around the needs and strengths of each child identified by the Vulnerability Index as a priority. Working with the Headteacher, SENCOs and staff who know the pupils well, support plans will be created to identify and plan the successful transition to a new school. This also ensures the receiving schools have a full and up to date picture of strengths and needs.
- 7.9 To ensure families were fully informed about the school application process, subject to a final decision by Full Council, information was sent to the school to circulate to families on 1 February 2024 and all primary schools in the city were notified of this process on 2 February 2024.
- 7.10 Subject to final decision by Full Council, parents of children already at the school 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 can do so.
- 7.11 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.

- 7.12 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.
- 7.13 Information on pupils' needs and strategies and interventions that work to support pupils in their 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 will remain valid and can be used as supporting information for an Education, Health and Care Needs Assessment. 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.
- 7.14 Work is also underway to look at the costs families may incur from any proposed closure. The Council is looking to work closely with the receiving schools to ensure funding for uniforms are provided for those who need this.

Size of alternative schools

- 7.15 The Council has heard many 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.

8. Pupils with Special Educational Needs

- 8.1 In St Bartholomew's there are 10 pupils with an Education Health and care Plan (EHC Plan); 2 of these are currently in year 6. This constitutes 7.5% of the school population. In the October 2023 School Census 33 pupils were recorded as having SEN support which constitutes 23% of the school population. There are 2 children where there are Education, Health and Care needs assessments in process.
- 8.2 Through the public consultation and representation period, 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, the time it will take to develop positive relationships with new staff and whether any receiving school would put in place appropriate interventions to support the pupils.
- 8.3 In terms of considering transition support, priority is being given to children with complex needs or multiple vulnerabilities, or where there are siblings to consider. To smooth the transition, the SEN service will look for ways to retain existing school relationships where possible and will seek to include

Special Educational Needs Coordinators (SENCOs) from receiving schools in relevant Annual Reviews.

- 8.4 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. The Principal Educational Psychologist has been in contact with the Headteacher to discuss how the Brighton and Hove Inclusion Support Service (BHISS) can support the transition process should the decision be made to close the school.
- 8.5 In the Autumn term 2023, an SEN Casework Manager attended a parent/carer coffee morning at the school to listen to concerns and to explain the process of changing a school for pupils with EHC plans.
- 8.6 Since the start of January 2024, the SEN service has been in regular contact with the schools' SENCo about children with EHC plans and arranged/attended meetings at the school to discuss these children and any other pupils who might need an EHC needs assessment.
- 8.7 The SEN service has offered support to the school and the SENCo with the following:
- Attending the children's Annual Reviews at the schools
 - Reviewing their current in school provision to ensure that resources will be in place to ensure a smooth transition
 - Offering to meet with parents of the children with EHC Plans to ensure that the team understand any emerging preferences and deal with any queries
 - Discuss any pupils currently on the SEN register and consider whether an EHC needs assessment may be appropriate
 - Offering to meet or telephone each parent with a child with an EHC plan individually to discuss their preferences and options. The school SENCo has confirmed that they wish to take the lead on this contact with families as they know them best.
- 8.8 As part of the meetings between the SEN Casework Manager and the school, information has been gathered using a child centered approach regarding supporting children to stay in friendship groups or to ensure siblings are placed together and knowledge of dynamics in classes which have to be considered. This has included discussing possible appropriate placements for pupils who have complex needs and the consideration of potential specialist placements for September 2024.
- 8.9 Children with Education, Health and Care Plans may require an Annual Review and the SEN Service will work to support the school and the families to facilitate this in the Spring or Summer Term 2024. For children who have had Annual Reviews in the last 6 months the Head of SEN has confirmed that there will not be a need for another full Annual Review meeting but there will need to be a meeting to discuss preferences and transition as soon as

possible. The SEN team understand there are a further 4 Annual Reviews that will need to be undertaken. It is anticipated that the needs of the majority of pupils can be met in other mainstream schools with appropriate support. If it is identified during the review process that specialist provision might be more suitable this will be followed up through the usual processes by the SEN team.

- 8.10 Pupils who are currently undergoing statutory assessment will see no disruption to the process should the decision be made to close the school. All evidence that has been collated for pupils attending the school in advance of a formal request for statutory assessment will be made available to the receiving school and will be taken into consideration when considering what the appropriate next steps might be to meet a pupil's needs.
- 8.11 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 settings, subject to the updated information obtained during the annual review process.
- 8.12 The SEN Service has identified the other local school options according to each pupil's address for the those with EHC plans and are aware of the spaces so that when parents have made a preference the team will be in a position to guide them as to next steps.

9. Needs of Black and Racially Minoritised Communities and other concerns raised during the consultation and statutory notice period

- 9.1 In the public consultation responses, significant concern was raised about the impact on and future of 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 are 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.
- 9.2 Significant concerns regarding this issue continued to be raised during the representation period, particularly in relation to the challenges and barriers faced by children from Black and Racially Minoritised heritages alongside additional factors such as special educational needs. Alongside this, concerns were raised about the impact of this proposed closure for children already suffering from the trauma of Adverse Childhood Experiences.

- 9.3 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.
- 9.4 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.
- 9.5 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 proposals for the Transition Board have been set out above and alongside that work the council plans to invite schools to build up a profile of all their pupils using the Vulnerability Index tool, which is already well embedded and being adapted for this purpose, so that needs can be properly prioritised and receiving schools are fully aware of the support that will be required. This tool is designed to recognise and highlight some of the intersectional factors that a child might have and consider what barriers this might present the child and / or what support needs to be in place.
- 9.6 The Council will 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 previous submission from the CDBE to the public consultation period outlined 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.

Impact on the community

- 9.7 The impact of the proposals on the community are acknowledged. Responses to the consultation and representation period have described the sadness in the community at the possibility of such a long-established school closing. The process has been challenging for the whole school community including the governing body, staff, families and pupils. The Council has sought to foster a proactive and collaborative approach with all those involved during the engagement events and stages, which has included support to all groups to mitigate the impact of these proposals. This offer of support will be ongoing should the proposals be agreed by Full Council.

- 9.8 Responses to the initial consultation 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 has 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.
- 9.9 In response to the publication of the Statutory Notice, comments were made about it being a school which is much loved by its community, being local to those living in the centre of Brighton. The staff are welcoming of pupils and their families.
- 9.10 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.

10. Staffing

- 10.1 Should the school close, the staff will be at risk of redundancy. The Council has started a 39 day consultation with staff. This consultation period started on 7 February 2024 and will run until 25 March 2024. If a decision is taken not to proceed with the closure of the school the consultation process will cease immediately. It has been made clear that the decision to start the consultation does not in any way pre-empt the decision of Full Council.
- 10.2 It was considered appropriate to start the consultation period before a final decision had been taken to ensure all staff had the benefit from being added to the Council's redeployment pool at the earliest opportunity. It is hoped that compulsory redundancies can be avoided wherever possible. The Leader of the Council and Co-Chairs of the CF&S committee wrote to all primary phase Headteachers and Chairs of Governors on 24 January 2024 stressing the importance for the sector, and the city more generally, of trying to retain staff at both St Bartholomew's and St Peter's schools within the local education system. This has included asking that where other schools hold vacancies that they consider including them in a redeployment pool, whilst being acutely aware of the broader position on school funding and in the context of many schools looking to make savings on their own budgets.
- 10.3 This message was also shared with colleagues in the secondary sector on 11 February 2024, as it is possible that staff at the school have transferable skills that will suit roles in secondary schools.
- 10.4 The Council recognises that despite the correspondence from the Leader of the Council and Co-Chairs of the CF&S Committee, 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 of 19 February 2024, there were 6 primary school teaching jobs being advertised by schools and 21 support staff roles. Additionally, there are 47 posts in the Council's redeployment pool which staff will also have access to.

- 10.5 Whilst the Council is hoping to retain the knowledge and experience of staff working at St Bartholomew's should the school close it is however recognised that as pupil numbers continue to fall across the city schools are having to reduce the number of staff employed.
- 10.6 The school's proposal to remain open as a smaller school (see section 14 below) would mean the retention of most staff. This could have a bearing on the school's ability to ensure its expenditure was less than its income and the time taken to clear the school's current deficit.
- 10.7 Staff who are made redundant due to the closure of the school will receive their relevant entitlements depending on the role in which they hold at the school and continuous service.

11. Accommodation

- 11.1 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. However, this is subject to a full review of the documentation and agreements put in place over the number of years that the school has operated, including in a previous location. The Diocese holds the view, supported by the Council, that any of its educational buildings that are not in use as schools are kept in the service of education as often as possible, where this is legally allowed, and this position has not changed. There are no active plans for the Council, alongside the Diocese, to re-purpose the accommodation that would become vacant should the school close.
- 11.2 The school has put forward proposals for how the school might 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.
- 11.3 The Council has considered these proposals but does not envisage new provision or workforce bases being required at the location of St Bartholomew's CE Primary School, with the associated costs of this. Arrangements have already been agreed regarding the relocation of Bright Start nursery within an existing council run building. Therefore, the school has 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.
- 11.4 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. The

Council is aware that there is increasing demand for appropriate accommodation in the city to enable a wider range of children across all ages to access the right educational offer for them. As a result, all available accommodation is being considered for its suitability in meeting the challenge faced by the city, and this will include on-going discussion with the Diocese as well as ensuring that the terms of site trusts are not breached.

12. Travel

- 12.1 Throughout the process the Council has been mindful of the provision contained in the DfE Guidance which relate to the travel implications of the proposal. In particular, the DfE Guidance provides that -
- Decision makers should be satisfied that the proposal will not adversely impact any particular group, including those with protected characteristics or who are disadvantaged (for example, those who are eligible for free school meals or pupil premium).
 - The decision maker will need to consider the local context, for example in areas with excessive surplus places, the decision maker should consider whether the travel implications of the proposal are reasonable compared to those for alternative options for reducing excessive surplus capacity.
 - Decision makers should also consider how the proposal will support the local authority's duty to promote the use of sustainable travel and transport to school.
 - When closing 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.
- 12.2 Through both the consultation period and representation 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. Concerns were also raised about the safe travel of children with additional needs.
- 12.3 In order to consider the impact of the proposal for closure the council has analysed the distances involved of alternative options available to the current families attending the school, taken from the addresses of those families.
- 12.4 The following table provides information regarding the distance to alternative schools from all postcodes where current pupils on roll at St Bartholomew's live. The number of pupils in each postcode is included in brackets. Where there is more than one child living in a particular postcode the distance shown is the average distance of all pupil journeys from that postcode to the

school. The distances are measured in metres and have been measured using the shortest available walking route, and not as the crow flies. The first line in the table provides the current distance from where existing pupils live to St Bartholomew's school, which varies considerably with the shortest distance being an average of 422 meters and the longest distance being 15,819.

School	BN1 1 (1)	BN1 2 (1)	BN1 3 (5)	BN1 4 (49)	BN1 6 (21)	BN1 8 (2)	BN2 0 (5)	BN2 1 (1)	BN2 3 (4)	BN2 4 (4)	BN2 5 (5)	BN2 9 (25)	BN3 1 (1)	BN3 4 (2)	BN9 9 (3)
St Bartholomew's CE Primary School	747	1845	724	422	1322	3850	1324	2152	872	2907	4133	890	1995	4194	15819
Carlton Hill Primary School	545	1814	1169	1041	2075	4525	285	1090	1345	3320	3531	427	2459	4164	14757
Downs Infant School	1680	2635	1669	1101	1014	3166	2043	2870	958	2413	4166	1564	2396	4703	16537
Fairlight Primary School	1574	2875	1752	1269	1897	4094	1601	2196	720	1983	3594	1221	2690	4997	15634
Middle Street Primary School	665	787	979	1310	2378	4929	1279	1691	2023	4014	4236	1318	1835	3332	15315
St Joseph's RC Primary School	2488	3442	2476	1909	1782	3439	2827	3433	1602	1842	4301	2330	3204	5511	16756
St Martin's CE Primary School	1720	3021	1892	1405	1981	4122	1702	2240	738	1964	3474	1412	2807	5113	15505
St Mary Magdalen's RC School	1070	469	956	1433	2134	4684	1735	2219	2230	4274	4767	1681	1341	2801	15854
St Paul's CE Primary School	703	902	559	1063	2030	4578	1374	2076	1830	3882	4576	1305	1410	3235	15711
Stanford Infant School	2166	2129	1326	1539	1020	3348	2727	3556	1910	3797	5314	2292	1524	3350	17222

- 12.5 The majority of families attending the school live in the BN1 4 postcode, with the second highest number living in the BN2 9 postcode, and the third highest in BN1 6. The analysis demonstrates that the vast majority of families will be able to state a preference for a school well within a 2-mile walking route of their home addresses. The analysis also demonstrates that some families already live outside of a two mile radius of St Bartholomew's and other schools are closer to them.
- 12.6 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 (3.2km) from their nearest suitable school; or the child is aged between 8 and 16 years and lives more than three miles (4.8km) 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 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.

- 12.7 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 problem this may mean that some additional support is provided.
- 12.8 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.

13. Equalities

- 13.1 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. 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.
- 13.2 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 and representation periods.
- 13.3 Through the consultation and representation period, concerns have been expressed by the school and from other responders about the ability for all members of the community to engage in the process and whether the consultation was sufficiently accessible. Both the school and the Council have provided additional support for families where English is not the first language and for those whose children have special educational needs, including translated materials and specific meetings for those families to share their experiences and raise concerns about the proposals. For the public consultation the school created a proactive plan on how to engage with their families and this 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.

- 13.4 For the subsequent representation period, communications in multiple languages were shared with the school towards the start of that process to enable families to engage with providing a representation response.
- 13.5 Staff from the Ethnic Minority Achievement Service (EMAS) have supported families they work with throughout the formal consultation period to understand the proposals and have facilitated them in responding to the Council. The service has directly supported a range of families covering a number of languages, to help them understand and to respond to the consultation during meetings and in writing. The Brighton and Hove Parent and Carer Council have also been available for families to support them, as part of the process, which has been valuable for those families with the potential for multiple additional needs such as children with SEN and not having English as an additional language (EAL).
- 13.6 During the representation period EMAS staff have continued to liaise with EAL parents to ensure that they understood what was happening in the representation period and what their options were if they wished to respond. EMAS staff have also continued to support parental understanding and access to early reviews of EHCPs. They have shared information around admissions choices parents can make about transferring to a different school and what would happen if the Council made the decision not to close the school. The Brighton and Hove Parent and Carer Council have also been available for families to support them as part of the process.
- 13.7 In both the public consultation phase and the representation period, the Council promoted to families the offer of interpreting and translation services. No families requested that support however, as described above, some translated text was made available to the school to support EAL families to make a response to the statutory notices. An offer was also made through both periods for a transcribing service to be available to enable anyone who didn't wish to make a written submission to provide a response. There were no requests made via that route.
- 13.8 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.
- 13.9 In their submissions made during the representation period, both the Governing Body and the wider school further highlighted the schools support to 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.
- 13.10 Whilst the Council recognises all the factors outlined in the paragraphs above and fully acknowledges the sense of uniqueness that the school community believe St Bartholomew's CE Primary School offers, the Council hopes that by proposing the closure of the school it will ensure that other schools in the city, including other Church of England schools, are supported to remain resilient in the short and medium term. Other schools will then be

better placed to ensure that pupils transferring to new schools remain well supported.

- 13.11 Notwithstanding St Bartholomew's place within its community there are other schools in the city who do support families with vulnerabilities and pupils with an intersection of needs and characteristics which require special consideration to achieve equality of access to education and opportunity. Alternative schools within the local area of the families the school serves are ready and available to welcome tranches of pupils and their families into a new school community, enhancing the ethnic and cultural mix there. The work of the Transition Board will be important in this regard and the Council expresses the hope that in the event the school is to be closed St Bartholomew's management and staff will continue to demonstrate their commitment to the welfare of their families by actively supporting the transition of pupils, reassuring families about the future transition, and working in partnership with new schools to have a full and detailed understanding of the needs of the pupils.

14. Analysis and consideration of alternative options

- 14.1 During the public consultation period, the school put forward a number of proposals to mitigate the impact of the school's low pupil numbers. They suggested reducing the school's PAN and combining classes, looking at alternative options for co-locating with a nursery provision by re-locating Bright Start Nursery into its building, opening a specialist provision in the school which would utilise the knowledge and expertise of staff and the school's inclusive culture, and developing a multi-agency hub which would ensure the school's experience at supporting pupils and families with various intersections of vulnerability could be harnessed. Elements of these proposals were repeated in the responses received during the representation period and dissatisfaction was expressed by the Governing Board and the school regarding the Council's lack of consideration of the alternative options.
- 14.2 There have also been multiple requests from the school and the Church of England community for the Council to consider a slower closure period to allow for a longer transition.
- 14.3 The Council could propose not to close St Bartholomew's Primary School, propose to close the school over a longer time period or further explore the suggestions put forward by the school for alternative delivery models and these options are considered further below.

14.4 Option 1 – no action

- 14.4.1 The Council has an overall duty to manage school places effectively and to ensure that schools continue to provide high quality education for children in the city. If no action is taken it is inevitable that quality of education and outcomes for children in the city are at risk and the Council will be liable for the costs of schools worst affected by falling rolls as they move into debt or increase their deficit and eventually close for financial reasons.

14.4.2 The statutory consultation requirements in the closure process have meant that the school staff, families and community have faced a significant amount of uncertainty since November 2023. This has resulted in a few families taking up opportunities of or considering school places elsewhere. Although it is recognised that despite the undoubted uncertainty generated by the Council's proposals, the number of pupils attending the school has not fluctuated significantly.

14.4.3 The operational and financial challenges affecting schools with falling rolls will continue to increase with a negative impact on pupils and the Council's financial position. Taking no action to the issues affecting schools with falling rolls is not an acceptable option available to the Council.

14.5 Option 2 - Phased implementation of the current proposals over 2 or more years

14.5.1 In considering whether a phased implementation is realistic as an option, the Council has looked at the impact of further delay, and whether the perceived advantages outweigh the consequences of delay.

14.5.2 In conducting this balancing exercise, the council has considered the financial viability of the school were closure to be phased or delayed, particularly with reference to the projected numbers of pupils. As indicated at paragraph 3 of this report the school has been made aware that there are currently only a small number of first preferences for admission in September 2024. This is in a context where pupil numbers have fallen across the city which has meant that many more parents can exercise parental preference to obtain places in alternative schools that in other years might have been oversubscribed. Currently the number of preferences for admission in 2024 does not appear to be a viable number for the academic year 2024/25 and the school's current precarious financial position will worsen were it to remain open beyond August 2024, albeit the school is responsible for making financial decisions and may not agree with this analysis.

14.5.3 The strong likelihood is that with continued uncertainty over the school's future, pupil numbers will continue to drop, especially if parents decide to take advantage of undersubscribed schools and move pupils within the school year, thus worsening the already serious financial position the school finds itself in. By way of example should 50% of the school's October 2023 census numbers leave the school this would equate to approximately 70 not considered financially children. Based on a cost of £5,000 per pupil, this would mean funding of approximately £350,000 would potentially be needed to support recipient schools. The Council would not be able to draw on funding from St Bartholomew's as the school would be continuing in the interim. In contrast, if the school closes in August 2024, the budget released from St Bartholomew's from September 2024 would be available for redistribution at that stage to schools receiving pupils.

- 14.5.4 Additionally, in the event the timescale for closure were extended St Bartholomew's budget for the final term of operation (summer term of the 2025/26 financial year) would likely be set at a significantly more challenging level than currently, on the expectation that October 2024 census numbers will be further reduced from the 2023/24 position due to the pre-announced planned closure. It is unknown if staffing levels would have been reduced by this time but there is a substantial risk that costs at St Bartholomew's CE Primary School for summer term 2025 would far exceed budget allocation, thus adding to the final school deficit and increasing the risk to the Council's general fund. There may also be a risk that redundancy costs and pension entitlements increase by delaying closure by a further year.
- 14.5.6 In the circumstances described it is not accepted that a longer timescale or a phased implementation of closure are financially viable options. There is an urgent need to take action and any delay is very likely to result in increased financial liability for the Council as schools may increase their deficit position. 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 are put in place, as a result, the council's finances will be affected by any gap that develops.
- 14.5.7 The council has also considered the impact upon pupils if the closure were to be the subject of a planned delay. The need for pupils to transition to a new school will not change if the school were to close in 2025 instead of 2024, however there is the potential for the experience of existing pupils to become more uncertain if the period before closure were extended over a much longer timetable. It is predictable that within the intervening year staff would start to look at alternatives and the school would find itself in a position of having to manage a series of changes of staff, thus providing further upheaval and uncertainty for remaining pupils and parents.
- 14.5.8 It has been suggested that the period of time over which the Council has been considering this proposal is insufficient for closure in the August 2024 to be achievable in terms of families finding alternative schools for existing and new pupils. The Council is committed to assisting families to find new schools for the children before the start of the academic year, and confident that there are sufficient places available at alternative schools to make this achievable upon timescales which will allow for a planned introduction to their new school over the summer term, ready for entry in the new academic year.
- 14.5.9 The planning of the Transition Board and the likely alternative schools is already underway and will be key in ensuring the transition recognises the needs of individual pupils. There is communication, assistance and reassurance offered to their families, and full liaison with the schools to whom pupils will transition.
- 14.5.10 As indicated elsewhere in this report the numbers applying for a new place in Reception year for entry in September 2024 are very low, and if a decision is made to close the school at the end of this academic year these families can be contacted as a priority following the council decision to enable them

to express a new first preference if they so wish on the basis of a late application with valid reason by 8 March. In the alternative they will be considered for their second or third preference. If they wish to apply for a school outside of the application cycle then places at preferred schools can be offered if the preferred school is not yet oversubscribed in relation to their published admission number.

14.5.11 It has been suggested that the speed over which the Council has sought to make this decision is an outlier, or unreasonable. It is the case that in line with the national trend for surplus school places other Local Authorities are in the process of consulting upon or closing schools in their areas, and it is apparent that the timescales from decision to closure are not significantly different to those being considered by this Council. Whilst the type and length of consultation undertaken may have varied between councils, the time between the decision to close and closure has been within that academic year. This Council will have engaged in this process over a period of nine months by the time a decision is taken. Whilst not an exhaustive list the following provide examples of timescales used in the South East.

- Voluntary aided primary school in East Sussex- length of time from start of consultation to closure –7 months
- Community primary schools in London Borough of Hackney- 14 months (although should be noted that this involved 6 schools and a combination of closures and amalgamations)
- Community primary school in London Borough of Tower Hamlets-14 months
- Community primary school in London Borough of Southwark- 8 months

14.5.12 The Council has complied with legally required timescales and it is believed that the contents of this report provide a robust evidence base upon which the Council can make a fully informed reasonable decision, which takes into account the many detailed representations made over that period.

14.6 Option 3 Explore options put forward by the school

14.6.1 As part of the consultation process and during the representation period the school put forward a number of alternative options:

- Reduce the PAN to 20 and operate with mixed year group classes and a maximum of 140 pupils on roll
- Relocate Bright Start nursery to run a full offer nursery from the school site.
- Work with the SEN team to create specialist provision on the school 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 that would also ensure the school's experience at supporting pupils and families with various intersections of vulnerability could be harnessed.

Reduction in Published Admissions Number (PAN)

14.6.2 During the consultation process, the school submitted a revised budget plan and staffing structure which purported to demonstrate how the school could operate with a reduced PAN of 20 pupils (the maximum children to be admitted to the school each September) and therefore a maximum of 140 pupils on roll. The Council remains concerned that operating at a PAN of this number would bring no economies of scale for the school in the timescale required. These proposals would, in theory, begin to contribute to a reduction in the school's overall deficit when coupled with the higher budget allocation in 2024/25 and reduced expenditure, but how the organisational structure would impact on the quality of education the school provides and the progress of the school's improvement journey is untested. The surplus generated would be used to offset the school's current deficit but it was not forecast that the deficit would be removed in its entirety.

14.6.3 The Council would not be looking to create (or amend) a city centre school by design to operate at such a small PAN given the availability of other school places within the statutory walking distance.

14.6.4 Whilst the school has suggested forging closer collaborations with other schools as a means of working more efficiently there has not appeared to be sufficient commitment from other parties to forge these arrangements in time to realise financial improvements, nor does it appear that there are many potential partners to do so. As a result, the school's current position appears to be a significant barrier in demonstrating that this would be a viable option and deliver the expected benefits.

14.6.5 In addition, against a backdrop of falling primary pupil numbers in the planning area and the city as a whole, and the current numbers on roll, the Council does not have confidence that the school would maintain sufficient popularity in the community to retain 140 pupils across the school. It is acknowledged that it is possible that the school might, as in previous years, pick up additional pupils throughout the academic year however this could crucially miss the October census date on which pupil based funding is calculated. Insufficient funding for all pupils would risk the most vulnerable pupils being left without the support they require, of particular relevance in a school which supports relatively high numbers of pupils with special educational needs or characteristics which make them vulnerable.

Relocate Bright Start nursery to run a full offer nursery from the school site.

14.6.6 Bright Start is a Council run nursery which currently operates from the converted Slipper Baths within the Prince Regent Swimming Complex in Brighton. Children, Families and Skills committee decided at the meeting of 6 November 2023 that the provision should be moved to the existing Turner Family Hub.

Work with the SEN team to create specialist provision on the school site

14.6.7 When the Council looks to expand specialist provision onto the sites of some schools in the city, one of the key prerequisites is that the host school

should be financially stable and be able to demonstrate ongoing financial stability in future years. Adding a specialist facility would not provide the school with the financial stability which it requires and would require a strong school infrastructure to provide it. For those reasons the Council does not consider this to be a viable option.

Federation or Academise.

14.6.8 This option of federation has been explored informally with other potential schools and the Diocese. Unfortunately, there was little traction in moving forward with these plans beyond informal agreements and arrangements. This process requires the agreement and "buy in" from each school's governing board, therefore is not solely within the gift of the Diocese, nor the Council, but requires agreements across institutions. The process of federation or academisation will not change the fundamental challenge in terms of the demographic issues of falling pupil numbers and excess school places faced by schools across the city.

15 Community engagement and consultation

- 15.1 The council undertook a public 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.
- 15.2 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.
- 15.3 The consultation was notified to various stakeholders including both Dioceses.
- 15.4 On 22 January 2024 the CF&S committee agreed to publish a Statutory Notice proposing closure of St Bartholomew's School. This was followed by a four week representation period between 23 January 2024 and 20 February 2024 which sought comments from interested parties.
- 15.5 The Statutory Notice was widely shared, along with communications from the Council on their website and social media channels. Translated text was shared with the school to support EAL families to engage with the representation period. The statutory notice was notified directly to all Brighton & Hove Headteachers and Chairs of Governors, East and West Sussex County Councils, both diocese and nurseries were informed.
- 15.6 A total of 52 responses were received via the Council's consultation portal in response to the publication of the Statutory Notice and broadly 94% of responders commented negatively about the proposal. Formal responses were also received from the Parochial Church Council of St Bartholomew's Church, the school's Governing Board, the school's leadership and from the Chichester Diocesan Board of Education. The themes of the responses have been captured in this report, and the equalities impact assessment has

been reviewed to ensure that it reflects any issues raised which require it to be updated.

- 15.7 It will be apparent that this report is published within three days of the representation period closing. By way of reassurance this is because officers have worked to absorb and consider representations as they came in, and worked additional hours following the closure of the representation period to ensure that all representations were considered before the drafting of the report was completed. Councillors are being provided with all the representations made in an unedited format on a confidential basis with their background papers.
- 15.8 It is intended that should Full Council approve the recommendation to close the school direct opportunities will be provided to families to meet officers and discuss issues such as transport, uniform, school admissions.
- 15.9 In response to concerns raised during both the public consultation and the representation period, should the school close, further efforts will be made by the Council to work with the school, the families and with local community groups to work together on the transition support and to further develop understanding of the changing needs of the communities impacted by the school closure.

16. Conclusion and summary

- 16.1 The council has undertaken a public consultation and issued a Statutory Notice on proposals to close St Bartholomew's CE Primary School on 31 August 2024.
- 16.2 During the initial public consultation, 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 representation period following the publication of statutory notices generated 52 representations via the Council's consultation portal and a small number of direct submissions.
- 16.3 The Council recognises the impact the proposal has upon the children, families and dedicated staff at the school, especially given the intersectional diversity of the school's community, and that the caring approach of the school has produced enormous loyalty and pride in the families it currently serves. It is with great regret that this proposal has become necessary to combat circumstances of reducing pupil numbers against a backdrop of constrained and pressurised resources for the funding not of just of schools, but of all council services across all communities in our city.
- 16.4 The school is anticipating ending this financial year with approximately a £205,000 deficit .2023/24 will be the fourth consecutive year that St Bartholomew's has ended the financial year with an overspend, with no long term plan to bring the budget back into a balanced position. The low numbers of pupils attending the school and, in the view of the Council, the absence of a credible financial plan that shows the school coming out of

deficit means any alternative to closure would need additional financial support from the Council at a time of constrained funding of the Council as a whole.

- 16.5 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 further in future years and parental preference being a mainstay of government policy.
- 16.6 On 21 February 2024 the school was operating with 134 pupils, making it the second smallest primary school in Brighton & Hove. The primary school with the lowest number of pupils, St Peter's Community Primary and Nursery School, is also the subject of a proposal for closure on 31 August 2024.
- 16.7 The Council can have reasonable assurance that the demographic forecasting for pupil numbers is accurate. As outlined above, in December 2022, the Council estimated that 2107 starting school places would be required in September 2024. At 7 February 2024, a total of 2120 first preference applications have been made for Brighton and Hove schools for September 2024, the forecast is 99.4% of the actual pupil number and provides assurance that the Council's pupil forecasts are a reliable source of information on which to base decisions.
- 16.8 The Central City planning area in which the school is situated is expected to have over 100 unfilled places and rising 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.
- 16.9 Irrespective of the financial viability of the school the 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 provides the right environment for their children to succeed, will not be found elsewhere. 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.
- 16.10 The Council recognises the concerns of parents in this regard and the additional impact that any change can have on families with experience of trauma. The appended Equalities Impact Assessment and this report seeks to capture not only how families and staff with protected characteristics will be likely to be negatively affected by the proposal, but also sets out the measures that the Council will take to address this.

- 16.11 In considering this proposal the Council has been proactive in seeking to put measures in place which will offer the best prospect of a welcoming and effective transition for pupils and their families to other schools in the city which also take pride in operating an inclusive and caring ethos.
- 16.12 In recommending that the school closes the Council is committed to supporting all pupils to find an alternative school place, being 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 individual needs of the children, with particular attention for those children with special educational needs, as set out in the report.
- 16.13 If the proposal to close the school is agreed, the Council will engage with the families and staff of St Bartholomew's to make the best alternative arrangements possible and is confident of the commitment of alternative receiving schools to welcome and meet the needs of new pupils, who will add to the vibrancy of the schools they ultimately attend.
- 16.14 The Council has put additional resources in place to provide teams with dedicated time and staff to oversee arrangements. The Council has clear expectations of receiving schools to engage with families and St Bartholomew's CE Primary School to enable pupils to become familiar and be offered some reassurance about their new school in advance of the new academic year. It is likely that there will be some groups of pupils who will select the same alternative school. Pupils currently in Year 6 will not be impacted by this proposal in so far as they will be changing schools and moving on to secondary school in any event.
- 16.15 The proposal is taken in the context of the Council having recently voted to reduce the PAN of other schools, but this alone will be insufficient to address the surplus in school places with the financial consequences for schools the report describes. Whereas nationally in 2022/23 12.3% of primary schools had a negative revenue balance (deficit), the proportion in Brighton & Hove for primary schools in deficit was 40.8%, and 54% of all schools in the city now are in deficit. The position is unsustainable. Should the Council not proceed with proposals to close the school, and with the limitations on Council's adjusting the PAN of other schools, the problems the report describes will not be resolved and it can be reasonably expected that the Council will need to contemplate the closure of alternative schools in the future. This would potentially affect schools with higher numbers of pupils thereby affecting more families than the proposal put forward in this report.
- 16.16 If the recommendations in this report are agreed, a recommendation will be made to Full Council on 4 March 2024 to agree to the closure of St Bartholomew's CE Primary School on 31 August 2024.

17. Financial implications

- 17.1 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.

- 17.2 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.
- 17.3 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.
- 17.4 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 will result in further costs to the Council's general fund.

Name of finance officer consulted: Steve Williams Date consulted: 21/02/24

18. Legal implications

- 18.1 Section 14 of the Education Act 1996 imposes a duty on the Council to ensure the provision of sufficient schools for the provision of primary and secondary education in its area.
- 18.2 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.
- 18.3 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”), the Council has completed a formal consultation, statutory notices have been published and a four week representation period has taken place.

- 18.4 Under the Council’s Constitution, Full Council has reserved decisions on strategic issues relating to school admission arrangements to itself. (Part 3.1.02(a)(ii) of the Constitution). Given the significant nature of this proposal Children Families and Schools committee will make a recommendation to Full Council who will then make the final decision on the proposal on 4 March 2024.
- 18.5 The decision maker must have regard to the statutory decision makers guidance contained in the DfE Guidance referred to in paragraph 8.2 above. This sets out the considerations that should be made by the local when deciding proposals to establish or discontinue (close) a school. In all cases, the decision maker should be satisfied that the proposer has carried out the requirements of the statutory process satisfactorily and should have due regard to all responses received during the representation period. A link to the Guidance is below:
https://assets.publishing.service.gov.uk/media/63d1357ed3bf7f3c44bcd6b9/Opening_and_closing_maintained_schools_Jan_2023.pdf
- 18.6 As the decision maker on the proposal the Council must make the decision within two months of the end of the representation period.
When issuing a decision, the decision maker can:
- reject the proposal;
 - approve the proposal without modification;
 - approve the proposal with such modifications as they think desirable; or
 - approve the proposal, with or without modification, subject to certain conditions being met
- 18.7 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 is important to recognise that a public consultation is not a vote or referendum, but an opportunity to gather a range of insights, views and feedback on proposals before any decisions are made. The Council must make rational, evidence based decisions, take into account all relevant considerations, act for a proper purpose, and be properly reasoned.
- 18.8 As St Bartholomew’s CE Primary School is a voluntary aided school the Diocesan Board of Education, the Bishop of any Roman Catholic diocese in the city or the governing body of the school may make a referral to the Office of the Schools Adjudicator should the Council make the decision to close the school. Any referral to the Schools Adjudicator must be made within 4 weeks of the date of notification of the decision of the Council.
- 18.9 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: 22/02/2024

19. Equalities implications

- 19.1 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.
- 19.2 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.
- 19.3 Through the public consultation and the statutory notice representation period, 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.

- 19.4 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.
- 19.5 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.
- 19.6 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.
- 19.7 As a result, the council has identified in the EIA steps that can be taken to mitigate the effects of the school's closure.

20. Sustainability implications

- 20.1 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.
- 20.2 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
- 20.3 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. The table in paragraph 12 provides information regarding the distance to alternative schools from all postcodes where current pupils on roll at St Bartholomew's CE Primary School live.

- 20.4 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

Appendices

1. Primary School Place forecast
2. Equalities Impact Assessment
3. Terms of Reference of Transition Board
4. Proposed Closure of St Bartholomew's CE Primary School – CF&S Committee 22 January 2024 (minus appendices which are available online)
5. Proposed School Closures 2024 – CF&S Committee 6 November 2023 (minus appendices which are available online)

Background documents

The responses received via the consultation portal and then representations made during the Statutory Notices period have been made available confidentially to Councillors sitting on the Children, Families and Schools committee and on Full Council for their consideration.

Date of Birth / school year	School yr in Sept 24	Grand Total all planning areas from 2023 data	pupils likely to want a school place based on 90% of GP reg data	Permanent places in Year R in 2024	Surplus places or shortfall of places	Comparison with 2022 data	
All planning Areas						Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024							
01 September 13 to 31 August 14	6	2,994	2,695				
01 September 14 to 31 August 15	5	2,846	2,561				
01 September 15 to 31 August 16	4	2,834	2,551				
01 September 16 to 31 August 17	3	2,743	2,469				
01 September 17 to 31 August 18	2	2,603	2,343				
01 September 18 to 31 August 19	1	2,435	2,192				
01 September 19 to 31 August 20	R	2,369	2,132	2,610	478	593	-115
01 September 20 to 31 August 21	2025	2,189	1,970	2,610	640	741	-101
01 September 21 to 31 August 22	2026	2,170	1,953	2,610	657	752	-95
01 September 22 to 31 August 23	2027	1,985	1,787	2,610	824		

593
743
753

Date of Birth / school year	School year in Sept 2024	Portslade	Central Hove	West Blatchington and North Hangleton	Central City	Patcham	City East	The Deans	City North	
All planning Areas		1	2	3	4	5	6	7	8	2610
places in each school year from Sept 2024		270	660	90	540	150	450	270	180	
01 September 13 to 31 August 14	6	249	0	0	0	159	0	0	0	409
01 September 14 to 31 August 15	5	260	0	0	0	171	0	0	0	431
01 September 15 to 31 August 16	4	215	0	0	0	171	0	0	0	386
01 September 16 to 31 August 17	3	231	0	0	0	160	0	0	0	392
01 September 17 to 31 August 18	2	224	0	0	0	152	0	0	0	376
01 September 18 to 31 August 19	1	217	0	0	0	123	0	0	0	340
01 September 19 to 31 August 20	R	176	564	79	423	129	429	164	168	2132
01 September 20 to 31 August 21	2025	180	528	54	424	105	388	140	151	1970
01 September 21 to 31 August 22	2026	167	534	69	376	123	372	162	149	1953
01 September 22 to 31 August 23	2027	158	484	53	361	92	367	128	144	1787

Date of Birth / school year	School year in Sept 2024	BN41 1	BN41 2	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Comparison with 2022 data	
1 Portslade		St Peters Primary Benfield Primary St Marys Primary	Brackenbury Primary St Nicolas Primary Mile Oak Primary Peter Gladwin Pri				Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024		90	180	270				
01 September 13 to 31 August 14	6	84	193	277	249			
01 September 14 to 31 August 15	5	85	204	289	260			
01 September 15 to 31 August 16	4	67	172	239	215			
01 September 16 to 31 August 17	3	75	182	257	231			
01 September 17 to 31 August 18	2	84	165	249	224			
01 September 18 to 31 August 19	1	66	175	241	217			
01 September 19 to 31 August 20	R	64	131	195	176	95	87	8
01 September 20 to 31 August 21	2025	64	136	200	180	90	95	-5
01 September 21 to 31 August 22	2026	57	129	186	167	103	109	-6
01 September 22 to 31 August 23	2027	51	124	175	158	113		

Date of Birth / school year	School year in Sept 2024	BN3 1	BN3 2	BN3 3	BN3 4	BN3 5	BN3 6	BN3 7				Comparison with 2022 data	
2 Central Hove		West Hove Infant @Holland Road Hove Juniors Holland Road Brunswick Primary		St Andrews Primary		West Hove Infant Hove Junior	Cottesmore Primary Bilingual Primary School	Aldrington Primay Goldstone Primary	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024		150		90		120	150	150	660				
01 September 13 to 31 August 14	6	86	49	136	93	167	170	156	857				
01 September 14 to 31 August 15	5	93	36	116	76	136	131	160	748				
01 September 15 to 31 August 16	4	97	42	99	68	154	145	154	759				
01 September 16 to 31 August 17	3	64	42	133	93	124	115	141	712				
01 September 17 to 31 August 18	2	94	39	113	61	149	127	134	717				
01 September 18 to 31 August 19	1	77	38	97	71	120	131	94	628				
01 September 19 to 31 August 20	R	85	32	96	72	132	82	128	627	564	96	130	-34
01 September 20 to 31 August 21	2025	80	32	105	50	118	100	102	587	528	132	174	-42
01 September 21 to 31 August 22	2026	78	39	118	66	122	80	90	593	534	126	143	-17
01 September 22 to 31 August 23	2027	70	38	111	56	112	64	87	538	484	176		

Date of Birth / school year	School year in Sept 2024	BN3 8				Comparison with 2022 data	
3 West Blatchington and North Hangleton		Hangleton Primary West Blatch Prim	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024		90	90				
01 September 13 to 31 August 14	6	141	141				
01 September 14 to 31 August 15	5	128	128				
01 September 15 to 31 August 16	4	123	123				
01 September 16 to 31 August 17	3	96	96				
01 September 17 to 31 August 18	2	107	107				
01 September 18 to 31 August 19	1	102	102				
01 September 19 to 31 August 20	R	88	88	79	11	11	-0
01 September 20 to 31 August 21	2025	60	60	54	36	36	0
01 September 21 to 31 August 22	2026	77	77	69	21	18	3
01 September 22 to 31 August 23	2027	59	59	53	37		

Date of Birth / school year	School year in Sept 2024	BN1 2	BN1 3	BN1 5	BN1 1	BN1 4	BN1 6	BN1 7	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Comparison with 2022 data		
4 Central City			St Mary Mags Prim St Pauls Primary	Stanford Infant Stanford Junior Westdene Primary	Middle Street Primary	St Bartholomews	Downs Infant Downs Junior Balfour Primary St Bernadettes Pri	Hertford Infant Hertford Junior St Josephs Primary				Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
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	≤5	57	210	96	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	185	-68	
01 September 20 to 31 August 21	2025	20	60	99	9	57	145	81	471	424	116	173	-57	
01 September 21 to 31 August 22	2026	28	67	72	7	40	146	58	418	376	164	222	-58	
01 September 22 to 31 August 23	2027	15	60	85	6	61	112	62	401	361	179			

Date of Birth / school year	School year in Sept 2024	BN1 8	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Comparison with 2022 data	
5 Patcham		Patcham Infant Patcham Junior Carden Primary				Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024		150	150				
01 September 13 to 31 August 14	6	177	177	159	-9		
01 September 14 to 31 August 15	5	190	190	171	-21		
01 September 15 to 31 August 16	4	190	190	171	-21		
01 September 16 to 31 August 17	3	178	178	160	-10		
01 September 17 to 31 August 18	2	169	169	152	-2		
01 September 18 to 31 August 19	1	137	137	123	27		
01 September 19 to 31 August 20	R	143	143	129	21	26	-5
01 September 20 to 31 August 21	2025	117	117	105	45	47	-2
01 September 21 to 31 August 22	2026	137	137	123	27	32	-5
01 September 22 to 31 August 23	2027	102	102	92	58		

Date of Birth / school year	School year in Sept 2024	BN2 0	BN2 1	BN2 2	BN2 3	BN2 5	BN2 9	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Comparison with 2022 data		
6 City East		Queens Park Pri St John the Baptist Primary			Elm Grove Primary Fairlight Primary St Martins Primary	St Marks Primary City Academy Whitehawk	Carlton Hill Primary St Lukes Primary				Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024		90			150	90	120	450					
01 September 13 to 31 August 14	6	56	55	≤5	72	153	133	469					
01 September 14 to 31 August 15	5	45	44	≤5	86	142	127	444					
01 September 15 to 31 August 16	4	61	51	≤5	94	122	129	457					
01 September 16 to 31 August 17	3	57	58	≤5	98	140	141	494					
01 September 17 to 31 August 18	2	46	39	≤5	87	144	133	449					
01 September 18 to 31 August 19	1	42	55	≤5	99	124	131	451					
01 September 19 to 31 August 20	R	53	63	≤5	89	143	129	477	429	21	36	-15	
01 September 20 to 31 August 21	2025	42	46	≤5	94	115	134	431	388	62	55	7	
01 September 21 to 31 August 22	2026	47	51	≤5	84	118	113	413	372	78	85	-7	
01 September 22 to 31 August 23	2027	43	59	≤5	73	125	108	408	367	83			

Date of Birth / school year	School year in Sept 2024	BN2 6	BN2 7	BN2 8				Comparison with 2022 data	
7 The Deans		Rudyard Kipling Pri Woodingdean Prim	Our Lady of Lourdes Pri St Margarets Pri	Saltdean Primary	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen or fallen between 2022 and 2023
places in each school year from Sept 2024		120	60	90	270				
01 September 13 to 31 August 14	6	128	21	99	248				
01 September 14 to 31 August 15	5	126	34	96	256				
01 September 15 to 31 August 16	4	115	38	93	246				
01 September 16 to 31 August 17	3	122	34	82	238				
01 September 17 to 31 August 18	2	108	32	72	212				
01 September 18 to 31 August 19	1	100	26	82	208				
01 September 19 to 31 August 20	R	90	26	66	182	164	106	107	-1
01 September 20 to 31 August 21	2025	85	20	50	155	140	131	134	-4
01 September 21 to 31 August 22	2026	89	30	61	180	162	108	112	-4
01 September 22 to 31 August 23	2027	75	18	49	142	128	142		

Date of Birth / school year	School year in Sept 2024	BN1 9	BN2 4					Comparison with 2022 data	
8 City North		Coldean Primary	Bevendean Primary Coombe Rd Primary Moulsecocomb Prim	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen or fallen between 2022 and 2023	
places in each school year from Sept 2024		60	120	180					
01 September 13 to 31 August 14	6	56	159	215					
01 September 14 to 31 August 15	5	58	162	220					
01 September 15 to 31 August 16	4	52	187	239					
01 September 16 to 31 August 17	3	60	178	238					
01 September 17 to 31 August 18	2	56	136	192					
01 September 18 to 31 August 19	1	45	138	183					
01 September 19 to 31 August 20	R	42	145	187	168	12	11	1	
01 September 20 to 31 August 21	2025	35	133	168	151	29	29	-0	
01 September 21 to 31 August 22	2026	37	129	166	149	31	32	-1	
01 September 22 to 31 August 23	2027	27	133	160	144	36			

Equality Impact and Outcome Assessment (EIA)

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age¹³) or use the hyperlinks ('Ctrl' key and left click).

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Proposed Closure of St Bartholomew's CE Primary School	ID No.⁶	FCL-104-Jan-24-EIA-StBartsSchoolClosure
Team/Department⁷	Families, Children & Learning – Education & Skills		
Focus of EIA⁸	<p>In response to the fall in pupil numbers in the city the Council is proposing the closure of 2 schools along with reduction in Published Admission Number of 6 other schools. A total reduction of 240 places.</p> <p>This EIA is focussed on the proposed closure of St Bartholomew's CE Primary School, and the impact on the cohorts of children between the age of 4-11 years old who will be affected by the closures. The EIA will also cover some factors potentially affecting staff at the school.</p> <p>A public consultation process has taken place (from 7 November 2023 to 22 December 2023) and the results of the views of other admission authorities, adjoining neighbouring local authorities, Dioceses, schools' governing bodies, families of children and any other people interested in the proposals have been gathered and inform this EIA document. Where the data for this consultation has been provided, the effects of the closures on any impacted groups have been reflected in this EIA.</p>		

On 22 January 2024 Children, Families and Schools committee considered the consultation feedback and agreed to publish statutory notices. The statutory notice was published on 23 January 2024. Following the publication of notices, a 4 week representation period ran from 23 January 2024 until 20 February 2024, during which interested parties could make further comment on the proposals. Representations made during that period are reflected on below, alongside comments received during the public consultation period.

This EIA is looking at the impacts of the proposed closures to ensure that groups affected have been considered fairly and to help inform decision making. This document takes account of the Government's updated guidance on the [Public Sector Equality Duty](#) that outlines the purpose of an EIA and states:

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.

3. Review of information, equality analysis and potential actions

Groups to assess	What do you know ⁹ ? Summary of data about your service-users and/or staff	What do people tell you ¹⁰ ? Summary of service-user and/or staff feedback	What does this mean ¹¹ ? Impacts identified from data and feedback (actual and potential)	What can you do ¹² ? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age ¹³	<p>The proposal will primarily impact on primary school age children who currently attend the school or may have wished to attend the school, these will be children currently born between 1/9/2018 and 31/08/2014</p> <p>Proposals will affect parents of children born between 1/09/2019 and 31/08/2020 who are due to start school in September 2024.</p> <p>St Bartholomew's school received 14 pupils allocated on National Offer Day to start reception in Sept 2023, 15 pupils to start reception in Sept 2022 and 15 pupils to start Reception in Sept 2021.</p> <p>Whilst likely impacted by the timing of initial consultation, the school received a low number of preferences for starting school places in September 2024.</p>	<p>Regarding adults, the initial consultation on school closures received 467 responses of which there were received 327 responses in relation to St Bartholomew's, through the consultation portal. 59.3% of responders provided their age with the youngest being 18 and the oldest over 75.</p> <p>Out of these responses provided to the initial consultation 9.8% were under 30. 31.4% were aged between 30-39; 35.1% aged between 40-49; 14.4% were aged between 50-59 and 9.3% were 60 or older.</p> <p>The 52 responses to the statutory notice period represented a similar age profile.</p>	<p>Regarding adults, respondents aged between 30 and 59 accounted for about 81% of the responses to the initial consultation.</p> <p>Children in year 5 may be disproportionately affected by having to move school for Sept 24. Children currently attending the school will be affected by having to start a new primary school.</p> <p>Younger children may find settling into a new school more challenging than older children.</p>	<p>Ensure that vulnerable children who would be particularly affected by moving schools are identified and supported with the change of schools. Appropriate support provided by Brighton & Hove Inclusion Support Services (BHISS) and Schools Mental Health Service to assist with the transition for identified pupils. The Council is operating a Transition Board and individual action plans may be appropriate for certain children.</p> <p>The Transition Board is setting up a 'Team around the School', which will bring together a professional network around the needs and strengths of each child identified by the</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>These proposals will have a disproportionate impact on children in the current Year 5 as they will have to move to a new school for Year 6 and then secondary school in Year 7 consequently attending 3 different schools in 3 years.</p> <p>Children in current reception will have only in September settled into schooling and may find the transition to a new school difficult.</p> <p>Staff who are close to retirement age may find new employment difficult to gain especially as many long-standing staff will be on the Upper Pay Scale and their awards are protected should new posts be taken up.</p> <p>The age profile of staff in January 2024 was: Age 21 - 30 = 3% 31 - 40 = 23.5% 41 - 50 = 23.5%</p>	<p>A number of parents with siblings attending these schools in different year groups have raised concerns about all siblings attending the same new school and perceived lack of available places at alternative local schools.</p>		<p>Council's Vulnerability Index tool (used to support pupil transition from one school to another) as a priority.</p> <p>Receiving schools to be made aware of impact of transition on these groups of children so appropriate support can be provided.</p> <p>Council's school admission team to be aware of the issue with siblings and to work with families to facilitate them attending the same school where possible.</p> <p>School admissions team are communicating with families who have expressed a preference for St Bartholomew's for Reception in September to ensure they know about the closure proposal and can seek</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	51 - 60 = 35% 61 – 70 = 15%			<p>alternative preferences should they wish to.</p> <p>Those who cannot apply for a school place online can contact the school admissions team for support.</p> <p>We can ensure there is a school place available for each child in each chronological year group. The school admissions team is available to work with families to meet their preferences.</p>
Disability¹⁴	<p>Children with Special Educational Needs and Disabilities (SEND) who have an Education, Health & Care Plan (EHCP) would be placed in school under the SEND code of Practice by the SEN team.</p> <p>From the October 2023 School census St Bartholomew's had 33</p>	Regarding adults, from the responses through the consultation portal to the initial consultation period, 12.9% who provided an answer identified as having a disability. 77.8% did not consider themselves to have a disability and 9% preferred not to say.	Children with EHCPs will be supported with their school moves. This will ensure that the school that they are moving to will be able to provide the provision identified in their EHCPs and that the school will have the relevant accessibility and adaptability requirements in place so	<p>Schools will be encouraged to identify families who need additional support to secure a new school place.</p> <p>There needs to be sufficient school places within a reasonable distance of families including those families who have someone with</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>students receiving additional educational support.</p> <p>As at February 2024, including 2 pupils in Yr6, there are currently 10 pupils recorded as attending St Bartholomew's CE Primary School with an Education, Health and Care Plan (EHCP) which is 7.5% of the current school population.</p> <p>There is no data available about the number of children at these schools whose parents have a disability.</p> <p>Identifying details on the profile of staff's disabilities relies on staff entering information into the Council's management information system and must be treated as personal, sensitive data. During the staff consultation period a personal 1:1 discussion is available to all staff members, where individual circumstances can be discussed.</p>	<p>Some parents chose to send their children to these schools due to the small size, supportive and nurturing environment and because they consider there are not any other small schools in the area that can provide this and meet the needs of their children as well.</p> <p>All but one responder who stated that they had a disability strongly disagreed with the proposal to close the school.</p> <p>There will be an impact on neurodiverse pupils if they must move schools due to change presenting additional challenges to some of these pupils.</p> <p>Respondents felt that small class sizes meant pupils received the</p>	<p>that their access to suitable education is not harmed by the move in location.</p> <p>There may be some need to adapt physical environments to cater for disabilities and many schools in the city have experience of doing so.</p> <p>Staff with disabilities may need additional support to apply for new roles and this will be considered as part of the staff consultation process.</p> <p>Consideration under the council's transport policy will be given to those parents/carers with disabled children or who have a disability themselves may not be able to travel a distance to take their child to a school place.</p>	<p>a disability living with them.</p> <p>As part of the wider work overseen by the transition board, BHISS & SEN Team will provide support for children with EHCP's to ensure that they move to an appropriate school that can meet their identified needs arising from disability</p> <p>The council will support parents to identify schools which they feel are able to meet their children's needs.</p> <p>We will look to meet the access requirements of pupils by ensuring that any funding for supporting SEND pupils left at the end of the school year in will follow the children to their new school.</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	The school has an Education Mental Health Practitioner, and access to Schools Mental Health Service.	<p>attention and support that respondents felt would not be possible in a large class.</p> <p>Families expressed concerns about other schools being able to meet need.</p> <p>We've heard from families that the process of proposal and of consultation has exacerbated existing conditions, e.g. anxiety, and created new concerns.</p>	<p>Some parents have chosen to send their children to these schools due to their small size however the number of pupils at the school has contributed to the reason for the proposals for them to close because most of the funding a school receives is on a per pupil basis and means small classes are not financially viable on the funding provided by the government.</p> <p>We recognise that this proposal may mean the need for additional support services for children with additional needs due to this being a significant change in their circumstances.</p>	<p>All children with EHCPs that need an annual review will have one.</p> <p>All children currently in the process of an EHC assessment will have their assessment completed as usual.</p> <p>All B&H mainstream schools should be able to meet needs of children without EHCPs, albeit sometimes with additional support or resources.</p> <p>The Council will continue to set out its expectations to other schools in the city on this matter and ensure new children are received with welcome.</p> <p>Families with disabilities who may need assistance with travel will be able to apply for transport assistance,</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
				subject to the Council's criteria. See cumulative section for more on the transition support available.
Gender reassignment¹⁵	<p>We have not yet identified any disproportionate impacts on this group because the data available about parents/children's gender reassignment is inconclusive.</p> <p>We know that parents/carers may not want to disclose information about gender reassignment for reasons such as the perceive lack of support, fear of discrimination, personal choice.</p>	<p>Schools in the city work closely with Allsorts to understand the complex needs of gender diverse children and young people.</p> <p>4 responses to the initial consultation were received from those who did not identify as the sex they were assigned at birth.</p> <p>The issue of the impact upon children with this protected characteristic has not been raised as part of the anonymous consultation process.</p>	<p>All schools in Brighton and Hove are invited to refer to the detailed guidance provided by the City Council known as the Trans Toolkit, and parents and children can be signposted to voluntary organisations who specialise in supporting families of children who are transitioning, or questioning their gender.</p>	<p>A package of support is provided to the schools via Brighton & Hove's Trans Toolkit, which will be used to identify and meet the individual needs of children and young people.</p> <p>If individuals indicate that they need further support and assistance, then they will be signposted to the relevant support or community group that they can contact for additional assistance.</p> <p>If this characteristic is identified as an issue when considering a transfer to a new school by a pupil the council</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
				can assist to ensure that every situation is dealt with compassionately and fairly and that bespoke assistance is available if individuals request this.
Pregnancy and maternity¹⁶	<p>We do not hold data about pregnancies of the parents/carers in the cohorts of pupils that are affected by the closure.</p> <p>However, we are aware that parents/carers may be in situations where they are on maternity/paternity leave or caring for younger children and may not have time or energy to engage with a school closure consultation or representation period and the issues associated with it.</p> <p>In the Census 2021 it was revealed that Brighton & Hove's population profile had fewer children & young people aged 0 to 19 (20.5%) compared to the South East (23.1%) and England</p>	<p>Parents who are pregnant or on maternity leave may find it difficult to get older children to school.</p> <p>Staff on maternity leave would need to be involved in a redundancy consultation.</p> <p>Families have reported concerned about travelling to a new school with young pre-school children or when pregnant.</p>	<p>There needs to be sufficient places within a reasonable distance from families where there is a pregnant adult or an adult on maternity leave.</p> <p>Pregnant people could find it harder to access different school communities which are distances from their home.</p> <p>Pregnant staff may need additional support from their employer during closure process and redeployment.</p> <p>Staff on maternity leave would need to be involved in the</p>	<p>Consideration needs to be given to ensuring that there are enough school places within a reasonable distance from families where there is a pregnant adult or an adult on maternity leave.</p> <p>We will work with the schools to accommodate any bespoke needs and provide support to all those where we are aware that their circumstances mean that they require additional support.</p> <p>HR advice can be provided for pregnant school staff and their</p>

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	<p>(23.1%). There was a 22% drop in children aged 0-4 living in the city in the 2021 census compared to the 2011 census.</p> <p>Future or newborn children could be affected with an older sibling changing school as it could affect where they go to school and may impact on parents' decisions about which schools to apply for.</p> <p>Staff who are new parents may find it difficult to get flexible working arrangements agreed at a new school.</p>		<p>redundancy consultation. We will take this into account and ensure that every situation is dealt with compassionately and fairly and that bespoke assistance is available for any individuals where this could be a problem.</p>	<p>individual circumstances can be discussed as part of the staff consultation process.</p> <p>The risk assessment tool is available to support pregnant staff.</p>
Race/ethnicity¹⁷ Including migrants, refugees and asylum seekers	<p>The data available for pre-school pupils indicates an increasing percentage of Black and Racially Minoritised children for the city in general.</p> <p>There is no comprehensive race/ethnicity data available for the cohort due to start school in September 2024.</p>	<p>Regarding adults, from the initial public consultation, 35.6% of those who responded by providing details identified as other than White British and 64.4% identified as White British. 109 respondents did not answer this question or</p>	<p>In some allocation years a higher percentage of pupils from Black and Racially Minoritised communities apply late or are directed to a school that was not a preference.</p> <p>Interested parties from other race/ethnic groups</p>	<p>Offer proactive support to ensure all families can understand the need and be supported to apply for a school place by Easter break to ensure they are allocated new school places for September, by way of the measures identified below</p>

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	<p>In January 2023, 30% (9,469) of pupils in Brighton & Hove schools who supplied their data identified as an ethnicity category other than White British. This is an increase of 377 pupils since January 2022. The national figure is higher, at 34.5% of pupils. The January 2024 data is not yet available but will be updated in this document when available.</p> <p>Previously, 33% of late school applications were submitted by Black and Racially Minoritised families and for a further 19% there is no ethnicity information.</p> <p>Previously, 76.4% of Black or Racially Minoritised families who applied received their first preference school compared to 82% of white British families.</p> <p>In January 2023, St Bartholomew's had 55.6%</p>	<p>did not want to specify their ethnicity and therefore this is a substantial proportion of the 300+ responses to this proposal.</p> <p>In response to the statutory notices, 52 comments were received via the Council's consultation portal.40% of which were from white British responders, and 38% did not answer the question. Black or Black British responders made up 6% of the responses.</p> <p>Feedback from EMAS in relation to admissions consultations indicates that parents from Black and Racially Minoritised communities who speak English as an Additional Language find consultations confusing even with translation or interpreting assistance.</p>	<p>could find it harder to access community resources in the new school area and could experience discrimination.</p> <p>It could be that migrant/refugee families attending the school and the subsequent community built around the school may be their first experience of community in this country. There may be added fear in having to start again after already having to start again in a new country. The added impact of having to move school could have a wider impact on those who have already come to this country in difficult circumstances.</p> <p>The sense of community some have found at St Bartholomew's is at risk by this proposal and the</p>	<p>Important to ensure that there are sufficient surplus places in local schools for any late applicants for a new school place. Those schools will need to ensure they offer a welcoming and understanding approach to Black or Racially Minoritised families, including those families where English is not their first language, or families with experience of trauma which has required them to seek asylum.</p> <p>Future school aged children need to have enough places available.</p> <p>Continue to advertise the admissions dates and the process that families need to follow.</p>

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	<p>pupils identified as Black or Racially Minoritised.</p> <p>Whilst we do not hold exact figures we are informed that there are a number of families with pupils attending St Bartholomew's who are migrants/refugees, and are therefore likely to already have experienced trauma and significant change and upheaval in their lives</p> <p>Families from a Black or Racially Minoritised background may have experienced previous trauma and / or racism – upset around this may have been reignited by these proposals and by needing to move school e.g. those who have settled in the UK as asylum seekers.</p> <p>It is recognised that there is an overrepresentation of Black & Racially Minoritised pupils in the school relative to the percentage of Racially</p>	<p>Understanding the weight of impact of the proposals and relevance to their situation is very challenging to assess for them.</p> <p>There could be difficulty in not being able to attend a local school due to issues with extended journeys due the fear of anti-social behaviour.</p> <p>There were no requests for consultation documentation in alternative formats from either consultation period however some translated material were provided in liaison with the school.</p>	<p>dispersal of students to other schools.</p> <p>Children who have experienced racism may need additional support to settle into a new school.</p> <p>Children's academic outcomes may be impacted as a result of previous experiences of racism, upheaval of schooling situation and other cumulative factors discussed in the cumulative impact section.</p>	<p>Provide language support for families that need to apply for a new school place should the school close.</p> <p>EMAS service to continue to reach out to communities to communicate the potential impact on their community and signpost to resources which will support families.</p> <p>An interpreter can be sourced upon receiving confirmation and consent from those who would need it.</p> <p>Ensure that any new school that pupils will move to have the appropriate cultural provisions for that family in place (i.e. multi-faith rooms, dietary requirements etc.).</p>

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	Minoritised pupils across the city.			<p>If children or parents/carers indicate that they are experiencing discrimination, there will be signposting in place to ensure that they have the relevant support that they need or access to a relevant discriminatory community group that they can contact for assistance.</p> <p>Strong message from the Council to Headteachers in the city about receiving and welcoming displaced pupils. Some pupils will have already experienced upheaval and trauma in their lives as a result of their families having to seek asylum from their parent's country of origin. These pupils and families may need additional support and reassurance to transition</p>

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				<p>to a new school or feel confident that there are other schools in the city which will welcome or understand the needs of their children. Part of the role of the Transition Board indicated below is to promote receiving schools to consider how best to address this, and to ensure families are offered the information and assistance they need to be reassured about their child's future education and school experience.</p> <p>Current schools and EMAS to continue supporting migrant/refugee families to understand the implications of the decision, to assist families to apply for a suitable new school place and work with the new schools to support the transition. The</p>

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				<p>continuation of working with this service will offer families a degree of continuity in the support they receive to manage any transition to a new school or a change in plan as to the school they will apply for. EMAS will be expected to assist parents advocate for what their children need to maximise their educational opportunities going forward.</p> <p>The Council is operating a Transition Board and individual action plans may be appropriate for certain children.</p> <p>Anti-Racist Education Strategy that is now in its third year. There includes a comprehensive package of training and support available for schools.</p>

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				<p>Where a school has not engaged yet in the full training offer, we will be proactive in offering this as a priority for all staff and provide additional support from our seconded team of teachers to ensure each setting is taking appropriate steps. Whilst we are not complacent, many of the schools well placed to take children are already engaging with the strategy and will have a foundation of knowledge and practice upon which we can build.</p> <p>All schools are expected to deliver a rich curriculum suitable to all pupils who attend the school. Schools are expected to celebrate the experiences of families in the city and from other areas. We expect the schools to</p>

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				<p>demonstrate understanding of lived experiences of migrants and asylum seekers, and we are committed to supporting schools in further developing their understanding and making reasonable adjustments to ensure curriculum is accessible to all.</p> <p>See cumulative section below for further detail on transition support.</p>
Families with English as additional language	<p>In January 2024, 15.8% (4,884) of Brighton & Hove pupils were exposed to a language other than English in their home. This is an increase since January 2024.</p> <p>In January 2024, St Bartholomew's CE Primary School had 33.6% of pupils where English is an additional language and families speaking around 22 different languages.</p>	<p>Based on previous experiences and the technicality of the subject matter, families with English as an additional language may struggle to understand admission arrangements in the city and the provision available in a new school and the process of closure.</p>	<p>Families with pupils who have English as an additional language are proportionally more likely to apply late which significantly reduces their chance of being offered a place at an oversubscribed school.</p> <p>The higher number of families with English as an additional language applying late in the main</p>	<p>During the statutory notice period, information about the process and how to make a representation was shared with the school in multiple languages.</p> <p>Ensure good support is provided to enable families to apply for school places.</p>

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	<p>There is relatively high deprivation amongst many of the families with English as additional language who have pupils attending these schools.</p> <p>During the initial consultation period 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.</p> <p>During the statutory notice period and beyond 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.</p>	<p>There will be a number of pupils with additional languages impacted by a school move.</p> <p>Families with English as an additional language also have a number of intersectional vulnerabilities.</p>	<p>admission rounds could result in these families not applying for a new school place. This will mean that a new school will be allocated to these pupils which may not be the parent's preference.</p> <p>Families may not comprehend the implication of the proposals or which year they take effect and be able to relate this to their own circumstances.</p> <p>Families with English as an additional language could find it harder to respond to the various stages of the consultation and then the allocation process.</p> <p>Children may struggle to settle into a new school, especially if their parent have EAL – becoming part of the new school</p>	<p>Important to ensure that there are still surplus places in each planning area so late applicants and pupils moving mid-year can be offered a place at a local school.</p> <p>Greater emphasis needs to be made to reach these families and make them aware of the school admissions applications process.</p> <p>This group may be unfamiliar with the school admissions process and timescale, so additional steps have been taken to engage these families with these consultations and that will continue with the admissions and transitions work.</p> <p>EMAS already work within both schools and support a number of</p>

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			<p>community may prove difficult for some.</p> <p>Interested parties from other race/ethnic groups could find it harder to access community resources in the new school area and could experience discrimination.</p> <p>It could be that migrant/refugee families attending the school and the subsequent community built around the school may be their first experience of community in this country. There may be added fear in having to start again after already having to start again in a new country. The added impact of having to move school could have a wider impact on those who have already come to this country in difficult circumstances.</p>	<p>families in each. The service will continue to support these and other families through the process of moving schools.</p> <p>The Council is operating a Transition Board and individual action plans may be appropriate for certain children.</p> <p>An interpreter can be sourced upon receiving confirmation and consent from those who would need it.</p> <p>Challenge from the Council to schools to ensure an appropriate welcome for children starting at a new school.</p> <p>Further steps were taken to translate documents related to a statutory notice process and ensure materials</p>

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			<p>The sense of community some have found at St Bartholomew's is at risk by this proposal and the dispersal of students to other schools.</p> <p>Children who have experienced racism may need additional support to settle into a new school.</p> <p>Children's academic outcomes may be impacted.</p>	<p>online can be translated using a webservice.</p> <p>See cumulative section below for further detail on transition support.</p>
Religion or belief¹⁸	<p>There are only Church of England and Catholic faith schools within the city. These schools can prioritise children of the faith above other children. This school is a Church of England school.</p> <p>In October 2023, 22.5% of primary school pupils in Brighton & Hove attend a church aided school and 77.5% attend a secular school.</p>	<p>There is little information on this. Some parents will seek a secular education for their child whilst others will want their children taught in line with their religious belief.</p> <p>Regarding adults, 47% of responders to the initial consultation who replied to this question indicated they have no</p>	<p>Some parents/carers will want there to be provision so that they can continue to practice their religion if they have been in a position that they have been accessing it at their current school.</p> <p>Some parents/carers will not want to access a religious curriculum and will want to have access</p>	<p>The council will need to ensure that there are sufficient secular or Church of England school places available for pupils who require one within a reasonable distance of the schools proposed to close.</p> <p>For those that do not want to continue with a religious curriculum then the Council will need to</p>

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	<p>The proposal is about closing a CofE school and this will reduce the amount of places in each chronological cohort by 10%. The next nearest CofE schools are St Paul's (1082.21 metres) and St Martin's (1704.73 metres)</p> <p>22% of first preference applications for September 2023 were for church aided schools and 78% expressed a first preference for secular schools.</p> <p>There is no data available on the religion/beliefs of parents or pupils attending this school.</p>	<p>particular religious belief, 32% of those replying to the consultation did not answer the question or preferred not to say. 28% of respondents who answered this question were Christian. Of this group, all but one strongly or tended to disagree with the proposals.</p> <p>During the statutory notice period, 29% of responders indicated they were Christian. 36% did not answer the question.</p> <p>We have heard about the importance of the school's connection to the church and its associated community.</p>	<p>to a provision that supports this requirement.</p> <p>Families need to be supported to seek a church schools if required.</p>	<p>ensure that there are sufficient places available that supports this.</p> <p>When looking at the timetable for closure, consideration will be given to observance of religious days of significance to ensure that there is enough time outside of these to ensure parents/carers are able to engage in any necessary processes.</p>

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Sex/Gender¹⁹	<p>There are no single sex, maintained schools in the city. Admission arrangements do not take into consideration the gender of the child.</p> <p>In January 2024 St Bartholomew's had 46% female pupils and 54% male pupils.</p> <p>We are aware that parents/carers may be in situations where they are on maternity/paternity leave, are single parent families, and/or from same sex or non-binary families. This doesn't directly impact on school admissions arrangements.</p> <p>Most roles at risk at the school will be filled by women.</p> <p>Additional burdens due to the cost of living could have disproportionate impacts on women due to the nature of their employment types and barriers to employment for</p>	<p>Regarding adults, 54.1% of responses to the initial consultation were submitted by females and 15.6% by males. 28.7% did not answer or preferred not to say.</p> <p>Regarding the statutory notice period, 20 of the 52 responses were submitted by females, and 6 by males for where people indicated their gender.</p> <p>We've primarily heard from women throughout the consultation where issues have been raised about childcare and concerns about travelling to another school.</p>	<p>Families could find it harder to access community resources in the new school area and could experience discrimination.</p> <p>This proposal could impact on women, with pre-school children, ability to seek employment.</p>	<p>If we are aware of any circumstances where individuals need support, we will ensure that this group is supported and that the school is also supported in using the school's trans toolkit.</p> <p>If children or parents/carers indicate that they are experiencing discrimination, there will be signposting in place to ensure that they have the relevant support that they need or access to a relevant discriminatory community group that they can contact for additional assistance.</p> <p>Assistance with transport will be provided in line with our policy.</p> <p>We will work with the schools to</p>

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	<p>those with sole childcare responsibilities.</p> <p>Women are more likely to take on childcare responsibilities so may be impacted by further school journeys, reducing their employment options.</p> <p>There may be children that identify as non-binary who may have additional needs.</p>			<p>accommodate any bespoke needs and provide support to all those where we are aware that their circumstances mean that they require additional support.</p>
Sexual orientation²⁰	<p>We have not yet identified any disproportionate impacts on this group because the data available about parents/children's sexual orientation is inconclusive.</p>	<p>Regarding adults, 68.4% of the 247 respondents to the initial consultation who provided details on their sexual orientation were submitted by heterosexual respondents. 9.7% by gay/lesbian or bisexual respondents. 21% preferred not to say.</p>	<p>We are not aware of any identified disproportionate impacts because the data is not available. However, we are aware that discrimination against sexual orientation remains a prevalent issue.</p>	<p>If we are aware of any circumstances where individuals need support, we will ensure that this group is supported and that the school is also supported in guiding people through to resources and signposting support.</p> <p>Voluntary sector organisations are available for support for children and families regarding their sexual orientation in the city.</p>

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				Redeployment of the school staff must not take this into account.
Marriage and civil partnership²¹	We have not yet identified any disproportionate impacts on this group because the data available about parent/carer marital or civil partnership status is inconclusive.	No data is collected on this matter. This did not come up as an issue or consideration in the consultation.	There may be discrimination around civil partnerships and gay marriages and families may find it harder to access community resources in the new school area and could experience discrimination.	If we are aware of any circumstances where individuals need support, we will ensure that this group is supported and that the school is also supported in guiding people through to resources and signposting support.
Community Cohesion²²	At January 2024 we reported St Bartholomew's CE Primary School had 26% of pupils within the 10% most deprived areas of Britain and 53% of pupils within the 20% most deprived areas of Britain. The schools with available spaces for these pupils to move to could be serving different communities in this country.	House prices surrounding popular schools can be inflated, due to increased demand on accommodation close to popular schools. Parents from some socio-economic groups are better able to use resources available to them to support change	Can have an implication on the pupils offered a place at these schools as families who cannot afford to move close to oversubscribed schools are unable to obtain a place there. Classroom and school dynamics may change with new arrivals.	As above the Council can work proactively with other Headteachers and governing bodies about welcoming pupils to new schools. Especially where there are places available. The leadership of St Bartholomew's can be invited to engage with the alternative schools identified for families to assist their

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	<p>Migrant/refugee families attending the school and the subsequent community built around the school may be their first experience of community in this country.</p> <p>There may be added fear in having to start again after already having to start again in a new country. The added impact of having to move school could have a wider impact on those who have already come to this country in difficult circumstances.</p> <p>High numbers of SEN children being dispersed from St Bartholomew's.</p> <p>The school has a member of staff (teacher) who is a seconded co-lead for the Council's Anti-Racist Education Strategy. She has established excellent relationships with the families of BRM children and will have a good understanding of the</p>	<p>e.g. with travel or moving house.</p> <p>The school will no longer be available as a community resource such as the Muslim and Bulgarian schools that use the building.</p> <p>Concern has been raised about the nature of the journey to other schools and the potential of anti-social behaviour on the journey to and from another school.</p> <p>Some families living in the community may not be in receipt on public funds and are reliant upon the support offered and signposted of the school.</p>	<p>Pupils may be negatively impacted by a loss of friendships and support networks.</p> <p>Some families may struggle with informal childcare e.g. relying on friends and family members with children at the same school</p>	<p>understanding of how to welcome and build an expanded school community to incorporate the families that otherwise would have attended St Bartholomew's school.</p> <p>Support needed for class teachers to manage an additional cohort of children mid-year or at the start of September 2024.</p> <p>Current schools and EMAS to continue supporting migrant/refugee families to understand the implications of the decision, to assist families to apply for a suitable new school place and work with the new schools to support the transition.</p> <p>Schools may need to seek additional advice,</p>

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	policies and practices needed to ensure all families are treated fairly and made to feel part of the school's community.			support and guidance around the intake of children with needs and experiences the receiving have had little or no experience in. See cumulative section below for more details on transition support.
Children in Care and Care Experienced Young People	<p>That Children in Care and Care Experienced Young People are likely to face discrimination.</p> <p>In the city, there are approximately (the data can change regularly) 332 children and young people in care, and 381 children and young people previously in care.</p> <p>41% of 19-21 year old care leavers are not in education, employment or training, compared to 12% of other young people the same age.</p> <p>There are approximately 66% with SEND and 35% have an</p>	<p>Brighton & Hove City Council have adopted Children in Care and Care Experienced Young People as a protected characteristic. As Corporate Parent, there is a collective responsibility and demonstrable commitment to ensure that children and young people with care experience are enabled to have the same opportunities as any other child or young person.</p> <p>6.3% of responders to the initial consultation</p>	<p>We need to ensure that the profile of children and young people accessing school places are not discriminated against and have the opportunity to access school provision.</p> <p>We recognise that care experienced children are likely to have experienced trauma and this process could reignite those negative feelings.</p> <p>It can be expected that parents who were themselves care experienced may also</p>	<p>Brighton & Hove City Council have adopted Children in Care and Care Experienced as a protected characteristic.</p> <p>Children in care and previously looked after children have the top admission priority when applying for school places.</p> <p>The virtual school has a responsibility to support children in care and those known to a social worker. Support will be provided to any relevant child displaced from St Bartholomew's and to</p>

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	<p>EHCP, compared to 12% of the general population. 50% of children and young people in care have a diagnosable mental health condition.</p> <p>At January 2024, St Bartholomew's had 5 children with a social worker. 2 on Child Protection and 3 on Children in Need plans. None are currently in care. It is not known whether any parents of children attending the school or likely to have chosen the school are care leavers.</p>	<p>who provided information have been a Child in Care or Care Experienced Young person. 85.3% had not and 8.4% preferred not to say.</p>	<p>re-experience the trauma that was present earlier in their lives.</p>	<p>the school that they will be attending.</p> <p>The transition board will be looking at how best to support children in care, those known to children's social work and those who are care experienced.</p>
Cumulative impact²³	<p>The initial public consultation ran between 7 November 2023 and 22 December 2023. There were 6 meetings online or at the school and 327 responses to the online consultation were received. In addition, there were 15 direct responses to the council's school organisation and</p>	<p>We've heard from families who have reported they will be negatively impacted and disadvantaged by the closure of the school.</p> <p>During the statutory notice period concerns were raised about the impact of the proposed</p>	<p>With approximately 100+ pupils on roll at the school in October 2023 and the staffing levels in the school it can be expected that 327 responses to the initial public consultation was a proportionate response compared to the overall number of</p>	<p>If we are aware of any circumstances where individuals need support we will ensure that this group is supported and that the school is also supported in guiding people through to resources and signposting support.</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>school admissions email account about the proposals.</p> <p>Approximately 120 people attended the three fully open public meetings, not including Council officers or the core school leadership.</p> <p>That number will include some repeat attenders and some school staff and governors.</p> <p>This demonstrates the wide extent of how we have heard from people throughout the process including pupils who were part of the school's Youtube video. https://youtu.be/tPDp_LP7Tvc</p> <p>There were 52 responses made via the Council's consultation portal to the statutory notice period plus formal responses from the school, the governing board, the Chichester Diocesan Board of Education and the</p>	<p>closure on children who have already had Adverse Childhood Experiences and the further cumulative impact this would have on them.</p>	<p>people affected and that results are therefore reliable.</p> <p>Lower numbers were received to the statutory notice period and this may reflect responders frustration or exhaustion with the process or a lack of understanding as to the steps of the consultation process.</p> <p>Families may fear discrimination throughout the application process to secure a new school place and transition to the new school.</p> <p>A school move for those who have added socio-economic issues and those arising from a history of discrimination or needing to seek asylum may add an extra layer of stress to those families.</p>	<p>Where there are multi layered impacts, we are willing to assess this on a case-by-case basis with bespoke resources and support to address these barriers.</p> <p>As above we have formed a transition board that now meets regularly to consider individual, collective and intersection needs arising from planned transition activity. This will include SEN, Inclusion Support, EMAS, School Admissions, and the Schools Mental Health Service and individual action plans may be appropriate for certain children.</p> <p>The Transition Board are committed to developing their understanding of how the intersecting</p>

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	<p>Parochial Council of the Church of St Bartholomew's.</p> <p>A range of steps were taken to enable people to engage with the consultation process. Information from the online consultation events was available after the event. Translated materials was made available to the school to support families to make responses to the statutory notice period.</p> <p>We know there are a number of families with a number of intersectional characteristics who will be affected by these proposals. The change to the established schooling and community support offered at St Bartholomew's will affect families with children at the school.</p> <p>We are aware that there will be people who may be impacted because of multiple protected characteristics and intersections of vulnerability.</p>		<p>Families may continue to experience re-trauma with this closure.</p> <p>Children and families are worried that they may not receive the same support in a new setting.</p> <p>We recognise the feeling of loss that a long established and well-loved school closure brings to a community.</p>	<p>protected characteristics of pupils and families may impact their experience of moving schools, and using this understanding to provide bespoke support.</p> <p>We have additional funding agreed with the LA for these support services.</p> <p>Pupil led funding allocations will divert to the receiving schools on the closure of St Bartholomew's</p>

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	<p>Multi layered impacts on certain people may exist which could severely impact their ability, desire, or access to engage with both the consultation and any future engagement around school closures and applying for new school places.</p> <p>The lived experience of many families may mean they may not want to engage not have time or energy to engage with a school closure and the issues associated with it.</p>			
Assessment of overall impacts and any further recommendations²⁴				
<p>Reducing the number of surplus school places is necessary to safeguard the broad range of schools in the city and to reduce the risk of financial difficulties as pupil numbers continue to reduce. The proposed closures are part of this strategy along with reducing the PANs of larger schools. Without a reduction in school places there is the real possibility that some schools become unable to operate in a financially efficient way with implications for the quality of education provided and the council's own budget.</p> <p>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.</p>				

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<p>Pupils currently attending this school will need to apply for and move to a new school by September 2024. Support and understanding will be needed for many of the groups with protected characteristics in order to ensure that they understand the processes in order to secure a new school place that is suitable for the family's requirements.</p> <p>Staff will be at risk of being made redundant and may need to seek alternative employment. Where staff are impacted due to protected characteristics, the employer will need to ensure additional steps and support are taken where necessary. Some staff have had long associations with the school and may therefore be disproportionately affected by the decision to close the school.</p> <p>Every person across all protected characteristics is likely to be negatively impacted by the closures and requirement to move schools due to the emotional toll, mental toll and upheaval involved. This will be more severe for certain groups of people on top of the protected characteristics already assessed. Some families and staff affected will have more than one protected characteristic and the additional stress for them needs to be recognised.</p> <p>The schools and staff will need to be supported to identify families and children requiring additional help with this transition process and for these children to be able to move to a new school which can support them appropriately. This is particularly relevant where English is an additional language and for Black and Racially Minoritised global majority families as there are a high percentage of these children in the school.</p> <p>The intersectionality of pupil vulnerabilities has been consistently raised by the school and the community as an area of concern. The cumulative impact of uncertainty through the consultation period and the pace of proposed closure combined with pupils with Adverse Childhood Experiences remains a concern that has been raised and is an area that needs to be focussed upon during the transition period, should the decision be taken to close the school.</p> <p>The turnout of responses to the initial consultation does not match the numbers of signatures to recent petitions but does appear to match the numbers of staff and families affected by the proposals. There are some gaps in data on the protected characteristics of those who would be affected by these proposals but the most prominent issues have been captured in the public meetings, the meetings arranged by the school themselves and responses including those facilitated by colleagues in EMAS.</p> <p>The number of responses to publication of the statutory notices may reflect frustration or exhaustion with the statutory process being undertaken or a misunderstanding of the further representation period after the initial consultation.</p>				

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<p>We recognise that whilst the consultation reached many, there will be some we've not heard from directly. We will factor that into the transition oversight board, that there may yet be further needs not yet fully identified and recognised.</p> <p>The council has undertaken both a public consultation and a statutory notice representation period on proposals to close St Bartholomew's CE Primary School on 31 August 2024. The vast majority of replies stating their disagreement with the proposals and concern about how pupils who attend the school will be supported by other schools should they need to move. The school is currently operating with 134 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. The school is anticipating ending the financial year with a £205,000 deficit. The low numbers of pupils attending the school and the absence of a viable and sustainable financial plan that robustly shows the school coming out of deficit in a suitable timescale means any alternative to closure would need additional support from the Council. 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. 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. 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.</p> <p>If the recommendations in the accompanying committee report are agreed, the school will close on the 31 August 2024.</p>				

4. List detailed data and/or community feedback that informed your EIA

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
Responses from the statutory notice period	23/01/24 – 20/02/24	There were 52 responses provided via the Council's consultation portal. This is fewer than the numbers who responses during the initial consultation period.	Translated materials relating to the statutory notice period were provided to the school to share with their families
October 2023 school census and January 2024 school census	October 2023 and January 2024	Not all census rounds cover all protected characteristics	
Responses from the school closure consultation	7/11/2023 – 22/12/2023	Equalities monitoring questions relating to marriage or civil partnership were not asked.	
Infant & Primary school allocation data	September 2023		

5. Prioritised Action Plan²⁵

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
All	Ensure all actions identified by grouping in this EIA are fulfilled, especially those supporting under-represented and minoritised groups of families, children and staff for instance actions identified for reaching migrant, asylum seeker, those who are Gypsy, Roma, Travellers, Black and Racially Minoritised and those with English as an additional language.	Improved communication that is more far-reaching coupled with appropriate outreach and proportionate and planned targeted community engagement.	Consultation and engagement is planned and reaches diverse and under-represented and Minoritised communities intersectionally – report and internal monitoring to be conducted successfully.	By Summer 2024
Transition Oversight Board	Board was established in January 2024 and continues to meet to provide operational and strategic oversight of pupil transition.	Transition is well planned.	Children all have an appropriate school place for September 2024.	By Summer 2024
Funding available to support children with additional needs and vulnerabilities	The Council has secured additional internal funding to allow for further capacity in internal support services	Transition is well planned	Children are prepared for transition and supported through their transition.	By summer 2024
Disabled parents and parents with children who have a disability may find	Schools will be encouraged to identify families who need	Pupils will move to a new school which is	Pupils will move to a new school which is	By September 2024

<p>it more difficult to participate in the school application process</p>	<p>additional support to secure a new school place.</p> <p>BHISS & SEND will provide support for children with EHCPs to ensure that they move to an appropriate school that can meet their needs.</p> <p>The council will support parents to identify schools which they feel are able to meet their children's needs.</p>	<p>appropriate for their individual needs.</p>	<p>appropriate for their individual needs</p>	
<p>Ensure that families with English as an additional language are aware of the support available to assist with the move to a new school place.</p>	<p>Advice and support sought from the EMAS team and others with links to various communities where there are a number of families with English as an additional language.</p> <p>An interpreter can be sourced upon receiving confirmation and consent from those who would need it.</p>	<p>More Families with English as an additional language are supported to find a new school place.</p>	<p>More Families with English as an additional language are supported to find a new school place.</p>	<p>By September 2024</p>
<p>We are aware that discrimination against various groups remains a prevalent issue.</p>	<p>If we are aware of any circumstances where individuals need support we will ensure that this</p>		<p>Families feel supported in the process and have access to the resources and signposting support</p>	<p>During the Spring and Summer Terms</p>

	<p>group is supported and that the school is also supported in guiding people through to resources and signposting support.</p> <p>We will continue to monitor and gather data.</p>		that they need, when they need it.	
<p>Vulnerable pupils and families need to be identified by the schools so that appropriate support can be provided to support the application process and the transition to a new school.</p>	<p>Processes put in place to identify vulnerable children who would be particularly affected by moving schools. The Council's Vulnerability Index tool, typically used to support primary to secondary transition, has been adapted to be used for this purpose.</p> <p>Appropriate support identified and provided by for example, Brighton & Hove Inclusion Support Services (BHISS), schools wellbeing service and EMAS to assist with the transition for these vulnerable pupils.</p> <p>Ensure updated data from January 2024 is included when made available.</p>	<p>All families get to express a preference for a new school and the transition for pupils is a smooth as possible.</p>	<p>All families get to express a preference for a new school and the transition for pupils is a smooth as possible.</p>	<p>During the Spring and Summer Terms</p>

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Staff member completing Equality Impact Assessment:

Richard Barker, Head of School Organisation

Date: 21 February 24

Directorate Management Team rep or Head of Service/Commissioning:

Jo Lyons, Assistant Director – Education and Skills

Date: 22 February 24

CCG or BHCC Equality lead:

Jamarl Billy, Equality, Diversity, and Inclusion (EDI) Business Partner

Sabah Holmes, EDI Manager and Emma McDermott, Head of Communities and Equality

Date: 22 February 24

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

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- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
 - **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
 - **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
 - **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
 - **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
 - **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
 - **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people in relation to their 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **advance equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved

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- The numbers of people affected
 - The size of the likely impact
 - The vulnerability of the people affected within the context

The greater the impacts, the more thorough and demanding the process required by the Act will be.

4 When to complete an EIA:

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

5 Title of EIA: This should clearly explain what service / policy / strategy / change you are assessing

6 ID no: The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

7 Team/Department: Main team responsible for the policy, practice, service or function being assessed

8 Focus of EIA: A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.

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- How does it fit with other services?
 - Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
 - What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
 - What do existing or previous inspections of the policy, practice, service or function tell you?
 - What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?⁹
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#>) and national ones where they are relevant.

¹⁰ **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
 - (a) consult when proposals are still at a formative stage;
 - (b) explain what is proposed and why, to allow intelligent consideration and response;
 - (c) allow enough time for consultation;
 - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all perspectives can be considered.
- Identify any gaps in who has been consulted and identify ways to address this.

¹¹ Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.

-
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of “the policy is likely to disadvantage older women”, say how many or what percentage are likely to be affected, how, and to what extent.
 - Questions to ask when assessing impacts depend on the context. Examples:
 - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims
 - Do the effects amount to unlawful discrimination? If so the plan must be modified.
 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

¹² Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

¹³ **Age:** People of all ages

¹⁴ **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

¹⁵ **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

¹⁶ **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

¹⁷ **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

¹⁸ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

¹⁹ **Sex/Gender:** Both men and women are covered under the Act.

²⁰ **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

²¹ **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

²² **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

²³ **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

²⁴ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

²⁵ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

Appendix 3

Transition Board

Draft Terms of Reference

- The purpose of the Transition Board is to look at the support being provided to pupils who have been required to move school due to the closure of their current primary school.
- The board will oversee the work of the teams that support application to a new school, familiarisation to the new setting and move to a new school.
- This work will continue until the end of the Autumn term 2024 and the Year 5 (Sept 2023) cohort will be tracked through the move to a new secondary school place in September 2025.
- The group will ensure that services funded to facilitate the transfer of pupils to new schools use the additional funding wisely and account for its use so that this can be reported on in due course.
- The board will not replicate the good transition which is going on led by the local authority teams and the schools, but will provide challenge and support as is needed to ensure the transition for all children is a positive experience and they receive any additional support needed.
- The group will work closely with school leadership to communicate and liaise with schools.
- The group will positively communicate the work of the board.
- The Co-Chairs of the CF&S committee will provide political oversight to the work undertaken and the meetings will be chaired by the Assistant Director, Families, Children and Learning (Education & Skills).

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- The purpose of the Transition Board is to look at the support being provided to pupils who have been required to move school due to the closure of their current primary school.
- The board will oversee the work of the teams that support application to a new school, familiarisation to the new setting and move to a new school.
- This work will continue until the end of the Autumn term 2024 and the Year 5 (Sept 2023) cohort will be tracked through the move to a new secondary school place in September 2025.
- The group will ensure that services funded to facilitate the transfer of pupils to new schools use the additional funding wisely and account for its use so that this can be reported on in due course.
- The board will not replicate the good transition which is going on led by the local authority teams and the schools, but will provide challenge and support as is needed to ensure the transition for all children is a positive experience and they receive any additional support needed.
- The group will work closely with school leadership to communicate and liaise with schools.
- The group will positively communicate the work of the board.
- The Co-Chairs of the CF&S committee will provide political oversight to the work undertaken and the meetings will be chaired by the Assistant Director, Families, Children and Learning (Education & Skills).

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

Contact Officer: Name: Richard Barker, Head of School Organisation

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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%

Total	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.

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

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

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

Brighton & Hove City Council

Children, Families & Schools Committee

Agenda Item XX

Subject: Proposed School Closures 2024

Date of meeting: 6 November 2023

Report of: Executive Director Families, Children & Learning

Contact Officer: Name: Richard Barker
Tel: 07584217328
Email: richard.barker@brighton-hove.gov.uk

Ward(s) affected: All

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the Council did not wish to publish the report before affected schools had had the opportunity to inform their staff and wider school communities about the proposals. This will happen on the first Monday after the half term break (30 October 2023) following which the report will be published without delay.

For general release

1. Purpose of the report and policy context

- 1.1 This report details the proposed closure of two primary schools, St Bartholomew's C of E Primary School and St Peter's Community Primary School to take effect on 31 August 2024. This report needs to be read in conjunction with the report on School Admission Arrangements 2025-26 which is also before this committee meeting for consideration.
- 1.2 In response to the fall in pupil numbers the Council is proposing the closure of 2 schools and the reduction in Published Admission Number of 9 schools. A total reduction of 300 places. When closure of a school is proposed the Council must first carry out a consultation. The Committee is asked to approve a consultation to consider closure of these two schools, which will run alongside a consultation on other proposed changes in admission arrangements across the city, to take effect from September 2025. Following the consultation, the Committee will receive a further report in January 2024 to consider the outcome of that consultation and to decide whether to progress the proposals further.

2. Recommendations

- 2.1 That Committee agree to consult on the closure of St Bartholomew's C of E Primary School to take effect on 31 August 2024.
- 2.2 That Committee agree to consult on the closure of St Peter's Community Primary School to take effect on 31 August 2024.

3. Context and background information

Overview – Pupil Numbers and finances

- 3.1 In the Census 2021 it was revealed that Brighton & Hove’s population profile had fewer children & young people aged 0 to 19 (20.5%) compared to the South East (23.1%) and England (23.1%). There was a 22% drop in children aged 0-4 living in the city in the 2021 census compared to the 2011 census.
- 3.2 The Council's own projection of pupil numbers starting Reception in the coming years forecasts that there will be 651 excess places in 2025 and 662 excess places in 2026. Therefore, the city will have over 25% surplus capacity.
- 3.3 The Council divides the city into 8 planning areas and detailed forecasts for each planning area are provided in Appendix 1. It is expected that forecasts will be updated by December 2023 with more recent data from the NHS that will allow forecast pupil numbers until September 2027. This will be available to the Committee prior to the determination of any admission arrangements for September 2025 and prior to decisions being made on school closures.
- 3.4 The Council has received data from the Department for Education that indicates that the number of children in 2027 could be as low as 1991 and usually it can be expected that only 90% of that figure will require a school place, this would be 1792 children.
- 3.5 As detailed in the School Admission Arrangements 2025-26 committee report, the accuracy of these forecasts from September 2018 until September 2023 have been between 96% and 99% accurate in the time-period from 2015-2023. Whilst this is not a definitive indicator of future accuracy it supports the methodology used and provides a high level of assurance about the process.
- 3.6 Should the proposals in this committee paper and the accompanying committee paper, School Admission Arrangements 2025-26, be implemented as proposed the number of school places in Reception would be 2310. The revised table shows the estimated number of surplus places when taking account of a maximum of 10% surplus capacity, which has been considered by the DfE as a sound, surplus requirement.

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

- 3.7 In the May 2023 school census, St Bartholomew’s C of E Primary School and St Peter’s Community Primary School had the following number of pupils attending. Both schools have the capacity to admit 210 pupils each.

School	Yr R	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Total
St Bartholomew's C of E Primary School	16	23	26	18	15	19	22	139
St Peter's Community Primary School	17	11	15	17	11	17	21	132

St Peter's Community Primary School has also recorded a total of 20 children in its nursery provision. The most recent school census took place in early October 2023, the information from that census informs a school's budget allocation for the financial year 2024/25 and will be published before the Children, Families & Schools committee consider the responses to the consultation in January 2024, should approval be given to go out to consultation on these proposals at this committee.

- 3.8 In the May 2023 census, the two schools had the lowest total number of pupils of any of the city's primary schools. The only school with a lower pupil population was Hertford Infant School (97 pupils) but this school only has three age groups compared to 7 in a primary school.
- 3.9 For the financial year 2023-24, both schools have set a deficit budget. The Council can facilitate schools to set a deficit budget by using the surplus balances of other schools to offset this position. Should the amount of school deficits exceed the amount of surplus balances there will be a need for the Council to underwrite these deficits from its own General Fund.
- 3.10 In 2023/24 the total amount of school balances forecast is £4.5m and the total amount of school deficits forecast is £4.4m. However, based on previous trends, it is expected that the school balance figure will be adjusted upwards by the end of the financial year as schools have historically set cautious budget plans that have ended up being more positive at the end of the financial year, compared to what had been forecast.
- 3.11 The use of a license deficit permits schools to plan their budget to balance or move into surplus within a 3-5 year period. The current economic conditions faced by schools, including the funding levels set by central government are making it more difficult for schools to maintain a positive budget position.
- 3.12 St Bartholomew's C of E Primary School budget forecast for 2023/24 is a deficit of £205k. St Peter's Community Primary School budget forecast for 2023/24 is a deficit of £203k. Based on budget plans submitted in summer term 2023, neither school is able to forecast reaching a balanced budget position in the longer term.
- 3.13 Should a Local Authority maintained school have a deficit at the point at which the school closes this will be a charge to the Council's General Fund.

The total deficit of both schools by the end of the academic year 2023/24 is estimated to be £400k 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 that would result in a further cost to the council's general fund.

- 3.14 It is proposed that both schools close on 31 August 2024. Should the Council delay making any decision to close either school it can be anticipated that the uncertainty generated may further increase the financial pressures on both schools because pupil numbers may fall, staff may leave and only be replaced by temporary staff (who could cost more) and additional leadership capacity may be required to support the school.
- 3.15 Whilst the Council is proposing the closure of both schools, this is not to be considered as a reflection of the quality of education delivered or the leadership of those schools. The Council does not underestimate the impact that this proposal will have on the families, staff and communities at the publication of these proposals. Efforts will be made alongside the leadership of both schools to ensure those that are affected can be supported through the proposed consultation process.
- 3.16 Brighton & Hove City Council's Plan 2023 to 2027 outlines a commitment to support the provision of high quality and inclusive education from early years through to adult learning and to do this in part by delivering specific strategies for children and young people at risk of educational disadvantage. The Council must also seek to deliver an efficient education system. This requires action to be taken to reduce the number of unfilled places so that schools are operating from a more secure platform from which to deliver on multi-year programmes for the pupils attending their schools now and in the future such as a full and vibrant curriculum and to be able to provide the right support to be available to pupils and families.

Proposals – St Bartholomew's C of E Primary School

- 3.17 As detailed in paragraph 3.3, for forecasting future pupil numbers the Council divides the city into 8 planning areas. The school is in the Central City planning area. Nominally the postcode BN1 4 is assigned to the school, but it is recognised that the school will admit pupils from outside that area. The planning area is expected to have over 170 surplus places in 2025 and 2026 and this can be expected to rise in 2027. The school admits the lowest number of pupils of schools in the planning area despite there being more than 30 pupils living in the postcode area in proximity to the school.
- 3.18 In the May 2023 census, it was identified that the school has 48.9% of pupils eligible for Free School Meals. It had 12 pupils (8.6%) with Education, Health and Care plans and 23.7% of all pupils receiving SEN support.
- 3.19 In the January 2023 census, 39.3% of the school population had English as an additional language and 55.6% of pupils where the parent/carer/self-identified ethnic group is other than White British, Refused or Not Known.

- 3.20 There are 8 schools within 1.0 mile of the school, if the proposal to close the school was carried out it is estimated that there will remain at least 10 surplus places in each year group in schools near the school. The Council therefore considers it will be possible to re-allocate pupils to alternative school places within a reasonable distance of St Bartholomew's should the school close.
- 3.21 It is recognised that parent/carers may choose to send their child to another Church of England school in the city.
- 3.22 The Council does not underestimate the potential impact of this proposed change on the pupils at the school, whose circumstances may already make them vulnerable. As the school serves some of the most disadvantaged communities in the city, professional support, from the support services such as Brighton & Hove Inclusion Support Service (BHISS) and Ethnic Minority Achievement Service (EMAS), will be put in place to facilitate the movement of those students to local schools and minimise the impact of change upon them.
- 3.23 Should the school close, the staff will be at risk of being made redundant and the Council remains in dialogue with school leaders about how to minimise the risk of redundancy for trained and effective staff so that they are not lost to the city's school workforce should the proposals to close be agreed.
- 3.24 As a Church school, the responsibility for the building remains with the Diocese of Chichester. The Diocese holds the view that any of its educational buildings that are not in use are kept in the service of education as often as possible and dialogue with the Council will continue.

Proposals – St Peter's Community Primary School

- 3.25 As detailed in paragraph 3.3, for forecasting future pupil numbers the Council divides the city into 8 planning areas. The school is in the Portslade planning area. Nominally the postcode BN41 1 is assigned to the school and two others, but it is recognised that the school will admit pupils from outside that area including from West Sussex. The planning area is expected to have approximately 100 surplus places in 2025 and 2026 and this can be expected to rise in 2027. The school admits the lowest number of pupils of schools in the planning area.
- 3.26 In the May 2023 census, it was identified that the school has 38.5% of pupils eligible for Free School Meals. It had 8 pupils (5.6%) with Education, Health and Care plans and 18.3% of all pupils receiving SEN support.
- 3.27 In the January 2023 census, 24.4% of the school population had English as an additional language and 31.3% of pupils where the parent/carer/self-identified ethnic group is other than White British, Refused or Not Known.

- 3.28 There are 4 schools within 1.0 mile of the school, if the proposal to close the school was carried out it is estimated that there will remain surplus places in the school's vicinity in all school years except Year 2 and Year 6 (in academic year 2024/25) if all pupils who attend St Peter's Community Primary School seek a place in another Brighton & Hove school. It is known that some pupils live in West Sussex and it is reasonable to assume that some of those pupils will seek places in schools outside of Brighton & Hove.
- 3.29 The school has a nursery with 20 children attending. Should the school close, the nursery will also close. Families will be supported by the Council to look for alternative provision. Should these proposals be agreed children attending the nursery, who may be expecting to apply for a place and attend the school in September 2024, will need to seek alternative places to start school.
- 3.30 As previously stated, the Council does not underestimate the potential impact of this proposed change on the pupils at the school, whose circumstances may already make them vulnerable. We recognise the school serves some disadvantaged families and therefore professional support, from the support services such as BHISS and EMAS, will be put in place to facilitate the movement of those students to local schools and minimise the impact of change upon them.
- 3.31 Should the school close, the staff will be at risk of being made redundant and the Council remains in dialogue with school leaders about how to minimise the risk of redundancy for trained and effective staff so that they are not lost to the city's school workforce should the proposals to close be agreed.
- 3.32 Discussions are taking place as to the future educational use of the site, should the closure proposals go ahead. The council rents part of the primary school site. This was an arrangement put in place when the school was expanded from an infant school in 2013. Therefore, should the school close, the Council will need to consider what actions it takes in relation to the rental arrangements in future years.
- 3.33 The council would require the prior consent of the Secretary of State for education to dispose of any school land if it was deemed surplus to requirements. However as stated above, there are ongoing discussions about future educational use of these sites.
- 3.34 The process for disposing of or changing the use of a building previously used as a school is set out in the non-statutory guidance ['Involving the Secretary of State in land transactions non-statutory guidance on how and when to involve the Secretary of State in transactions involving land held for the purpose of a school'](#) published in September 2021.

- 3.35 The Secretary of State may:
- approve the application with or without conditions; or
 - refuse consent; or
 - may separately consider whether to make a scheme under paragraph 1 of Part 1 of Schedule 1 to the Academies Act 2010 to transfer land that is held by a local authority and has been used wholly or mainly for the purposes of a school within the last eight years but is (or is about to be) no longer so used. Any use of the power would allow the authority to make representations.
- 3.36 This process can take some considerable time to complete and until the outcome is known the council will be in the position of having to maintain an empty building. The guidance suggests that no changes should be made until such time as the Secretary of State has made their decision. It is not unusual for this process to take up to 2 years from the point of making the application to the decision being made.

Statutory Process

- 3.37 In order to achieve any reorganisation of provision, including closure, the Council must comply with the School Organisation legislation, the Education and Inspections Act 2006 (EIA), and statutory guidance published by the Department for Education. Both the legislation and guidance set out the steps which the Council must take when making any decisions on proposals to reorganise school provision. The DfE published [Opening and closing maintained schools Statutory guidance for proposers and decision makers in January 2023](#).
- 3.38 The statutory process for closing a school involves five stages:
- (i) Consultation
 - (ii) Publication of statutory notices
 - (iii) Four week representation period
 - (iv) Decision on the proposal
 - (v) Implementation
- 3.39 If a Local Authority proposes to close a school, then it must carry out a period of statutory consultation.
- 3.40 How the consultation is carried out is not prescribed in the legislation, it is for the Local Authority to determine its nature and length. However, good practice dictates that it should last for a minimum of six weeks and if possible should avoid school holidays in order that the maximum number of people can respond.
- 3.41 As St Peter's Community Primary School is a community school it is for the Local Authority to put forward any proposals for closure. St Bartholomew's C of E Primary School is a voluntary aided school and so either the Local Authority or the Governing Board of the school can put forward a proposal. The decision maker for both schools will be the Local Authority and the

Diocesan Authorities can make a referral to the School's Adjudicator if they have objections to the decision.

3.42 The DfE Guidance sets out a number of reasons for closing schools, which include the following:

- There are surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicted demand for the school in the medium to long term
- It is no longer considered viable

3.43 If the consultation process starts in early November 2023 then there is sufficient time for the five stages of the statutory closure process to be completed in order for closure to be effective by 31 August 2024. It is appreciated that the proposal comes with little prior consultation with communities and during the period when families are seeking to apply for school places for September 2024.

3.44 Currently, as this is only a proposal, parents can apply for school places at both St Bartholomew's C of E Primary School and St Peter's Community Primary School for September 2024. However, a decision on the closure proposals will need to be taken in sufficient time before the 8 March 2024 date, when late for good reason applications will be considered before National Offer Day on 16 April 2024.

3.45 It is proposed to start the consultation on 7 November 2023 and for it to run for nearly 7 weeks concluding on 22 December 2023. This will mean it runs alongside the consultation on proposed admission arrangements for September 2025.

3.46 There will be three consultation events for each proposal, two in-person meetings and an online meeting.

3.47 Details of these meetings will be provided and the consultation will be hosted on the Council's [consultation portal](#) which will set out full details of the proposals. Consultees will be able to respond to the following questions:

- Do you agree that the council should reduce the total number of surplus school spaces in the city?
- Any comments or reasons for your answer?

- Do you agree or disagree with the proposal to close X School by September 2024?
- Any comments or reasons for your answer?

Responders will be able to indicate the extent to which they agree or disagree (Strongly agree/Tend to agree/Neither agree nor disagree/Tend to disagree/Strongly disagree/Don't know or not sure/Not Answered) with the proposals and provide a comment in a free text box.

- 3.48 A further report will be presented to the Children, Families & Schools Committee on 8 January 2024 detailing the response to the consultation and making recommendations about the next steps.

4. Analysis and consideration of alternative options

- 4.1 When considered in conjunction with the proposals for admission arrangements for September 2025, the Council could propose to make no changes to primary school arrangements or propose to close two primary schools.
- 4.2 The Council has previously sought to make changes to primary school PANs to reduce the number of unfilled places, with varying levels of success. The number of unfilled places and the complexity in decision making has meant that Council has concluded it must seek to propose the closure of two primary schools and reduce the PAN of 9 other primary schools.
- 4.3 The Council could seek to solely propose the closure of schools as a way of reducing surplus places. However, this approach could risk the ability of the council to ensure sufficient school places in the decades to follow and will mean that communities are left without a school to attend, within a reasonable distance.
- 4.4 If future pupil numbers continue to fall, it is possible that these proposals and those in the accompanying paper will not reduce the number of unfilled places sufficiently. Further proposals may be required alongside other approaches to support the on-going viability of the city's schools.

5. Community engagement and consultation

- 5.1 If agreed, it is proposed to start the consultation on the proposal to close the two schools on Tuesday 7 November 2023 and for it to be concluded on 22 December 2023. A total of 6 weeks and 3 days.
- 5.2 It is proposed that there will be three engagement events to cover the proposal for each school in this report.
- 5.3 A consultation response form will be available on the council's consultation portal and interested parties will be able to leave a phone message for someone to call them back and take down their response over the telephone, should they not be able to complete a response form online.
- 5.4 Attention will be given to engaging sections of the community who may not previously have participated with public consultations such as those with protected characteristics and this is considered within the Equalities Impact Assessment (Appendix 2).

6. Conclusion

- 6.1 The Council is seeking to reduce the number of surplus places through a programme of PAN reductions and school closures.

- 6.2 It is proposed to consult on the closure of St Bartholomew's C of E Primary School and St Peter's Community Primary School and for these closures to take effect on 31 August 2024.
- 6.3 A consultation period will run from Tuesday 7 November to Friday 22 December 2024 and a report on the results and proposals for next steps will come to the Children, Families & Schools Committee on 8 January 2024.
- 6.4 The Council recognises that these proposals will be concerning for the pupils, families and staff of these schools and is committed to minimise the disruptions that will result from these proposals being implemented.

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 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 total deficit of both schools by the end of the academic year 2023/24 is estimated to be £400k 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: (19/10/23)

8. Legal implications

- 8.1 Local authorities are under a statutory duty to ensure that there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. To help local authorities to meet their duties and restructure local provision, they have the power to close all categories of local authority, maintained schools. Reasons for closing a maintained mainstream school include where it is surplus to requirements (for example

there are sufficient places in neighbouring schools to accommodate displaced pupils).

- 8.2 In order to effect a school closure the Council must comply with the statutory provisions contained in the Education and Inspections Act 2006, associated Regulations and the Statutory Guidance "Opening and Closing Maintained Schools, Guidance for proposers and decision-makers" January 2023. The Guidance includes statutory processes, guidance on consultation and guidance for decision makers when determining proposals. Proposers and decision makers must have regard to it when closing an existing maintained school.
- 8.3 The first stage of the process requires the proposer to consult with any parties that the proposer thinks appropriate. It is for the proposer to determine the length and nature of the consultation.
- 8.4 The outcome of the consultation will be brought back to committee for consideration in January 2024. At that stage a decision will be made whether to move to the next stage of the process and publish statutory notices.

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

9. Equalities implications

- 9.1 An Equality Impact Assessment has been carried out on the proposals being recommended to the committee. The assessment can be found at Appendix 2 and the results have been incorporated into the content of the report.
- 9.2 It is worth noting that the admission process is 'blind', by virtue of applications being considered in line with the published admission arrangements that do not take account of a person's protected characteristics.
- 9.3 However, the availability of school places across the city could have an impact on certain groups due to their proximity to certain schools and the availability of places should families make a late application.
- 9.4 The consultation process needs to take account of:
- young parents who may be less likely to respond to the consultation
 - issues of accessibility and comprehension of the consultation process the materials made available
 - ensuring that the decision-making process after the consultation is based on the content not just quantity of replies.
- 9.5 When determining admission arrangements, the council needs to ensure that there are sufficient school places available within a reasonable distance for families who may contain members who have special educational needs, disabilities, speak English as an additional language and of various

racess/ethnicities. This will ensure that if families apply after the deadline date they will not be significantly disadvantaged and face the prospect of a lengthy journey to school.

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

9.7 A financially viable school is essential to be able to meet the needs of all those pupils who attend the school and to be able to meet the needs of the community and the inequalities they may experience.

10. Sustainability implications

10.1 Wherever possible the council aims to reduce the number of journeys to school undertaken by car. A reduction in the availability of school places across the city by the closure of two primary schools could risk a rise in the number of journeys undertaken by car.

10.2 Schools are expected to have a School Travel Plan to:

- reduce the number of vehicles on the journey to school
- improve safety on the journey to school
- encourage more active and sustainable travel choices

10.3 Any change to schools' intakes of pupils because of other schools closing will require their travel plans to be re-written to take account of the change.

10.4 Many primary schools are clustered in areas which means that a school closure will not mean a significant increase in journeys to other schools. The consultation period will be an opportunity to explore what the potential impacts of these proposed closures will be and the report to committee in January can be expected to detail these in more detail.

10.5 Consideration will need to be given to the use of the vacant school site should the proposals be agreed so that the negative impacts on the current habitat are minimized and the future use of the accommodation and the site reflect sustainability principles.

11. Other Implications

11.1 The School Admissions Code requires all schools to have oversubscription criteria for each 'relevant age group' and the highest priority must be given, unless otherwise provided in the Code, to looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.

11.2 These priorities will ensure that for pupils who are care experienced, they will receive the highest priority for a place in a different school, should the school they currently attend close.

Supporting Documentation

1. Appendices

1. Pupil forecast
2. Equality Impact Assessment

Brighton & Hove City Council

Children, Families & Schools Committee

Agenda Item 60

Subject: Proposal for Closure of St Peter's Community Primary and Nursery School

Date of meeting: CFS committee 29 February 2024
Full Council 4 March 2024

Report of: Executive Director Families, Children & Learning

Contact Officer: Name: Richard Barker, Head of School Organisation
Tel: 07584217328
Email: richard.barker@brighton-hove.gov.uk

Ward(s) affected: All

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the representation period following the publication of a statutory notice in respect of the school closure proposal did not end until 20 February 2024. Sufficient time then needed to be allowed for consideration and analysis of representations received.

For general release

1. Purpose of the report and policy context

1.1 In response to the fall in primary pupil numbers both in Brighton and Hove and nationally, and the consequential impact on schools' finances and the Council's own funding position, it is proposed that two, one form entry primary schools are closed. This proposal will assist in addressing the number of unfilled places in the city, having considered the longer-term viability of both schools in relation to pupil numbers, financial viability and the availability of places in the surrounding area.

1.2 This report details the response to the recent publication of Statutory Notices and the earlier public consultation on the proposal to close St Peter's Community Primary and Nursery School on 31 August 2024 and seeks approval to recommend the school's closure to Full Council.

2. Recommendations

Recommendations to Children, Families and Schools Committee 29 February 2024

2.1 That Committee notes the responses received during the representation period following the publication of a Statutory Notice on 23 January 2024 proposing closure of St Peter's Community Primary and Nursery School.

- 2.2 That Committee agrees to recommend to Full Council the closure of St Peter's Community Primary and Nursery School with effect from 31 August 2024 to Full Council, for consideration by Full Council on 4 March 2024.

Recommendations to Full Council 4 March 2024

- 2.3 That Full Council accept the recommendation from the meeting of Children, Families and Schools Committee on 29 February 2024 and notes the draft minutes.
- 2.4 That Full Council approve the closure of St Peter's Community Primary and Nursery School with effect from 31 August 2024.

3. Context and background information

- 3.1 The proposal is made in the context of the school being unable to meet its published admission number over a number of years and significantly falling pupil numbers across the city. Pupil numbers across the city are projected to continue to fall further in the coming years, which has the potential to generate a decline in the first preference applications to the school. This is occurring in a context of an already excessive number of surplus school places in the city, causing an unsustainable and increasing financial burden to schools and so the Council, in the context of unprecedented pressures to the overall Council budget.
- 3.2 The number of primary school age children in the city has dropped significantly in recent years. The national Census undertaken in 2021 revealed that there was a 22% drop in children aged 0-4 living in the city in the 2021 census compared to the 2011 census. Whilst there has been a national trend in declining numbers of primary school age children the situation in the city is also more acute than both the regional and national picture. Brighton & Hove's population profile had fewer children & young people aged 0 to 19 (20.5%) compared to the South East (23.1%) and England (23.1%)
- 3.3 The Council has a statutory duty to ensure there are a sufficient number of school places for pupils and that places are planned effectively. In fulfilling this duty, the Council has to take account of the fall in pupil numbers overall across the city and the fact that they are forecast to continue to fall over the next few years.
- 3.4 The implications of excess school places for the funding of schools is stark, and inevitably has implications for the education that schools running deficits can provide, and the impact upon council services where large deficits need to be supported. Schools are funded by the Government, not the Council. The funding is largely calculated on a per-pupil basis and the vast majority of a school budget covers staffing costs. If schools do not have enough pupils attending or suffer from fluctuating numbers, this brings sustained and increasing financial pressure on schools. Falling rolls equate to reduced funding to deliver education. The reality is that the current formula for

funding by central government does not make smaller class sizes viable within the budget of a school, even if understandably they might be the preference of parents. Reduced and less flexible budgets will inevitably have an impact on the educational offer of a school. Schools, like St Peter's Community Primary and Nursery School, who are unable to operate in a financially efficient way risk entering a budget deficit. If the number of surplus places in the city is not addressed the likelihood is that an even greater number of schools competing for a declining population of primary age pupils could face significant financial issues, that will impact on their ability to sustain their school improvement journey.

- 3.5 Where schools do not take appropriate action to adjust their expenditure in line with changes in revenue, they risk incurring a deficit budget which has an implication for the school and the Council's own budget. This comes at a time when the Council is facing severe financial pressures across almost every area of council services, and unpalatable decisions are being taken by almost every council department to try to balance the Council's budget. Unless action is taken to reduce the number of unfilled places in the city it will place greater pressure on the Council's own funding. The latest figures published by the Department of Education for 2022/23 confirm that the number of deficits the Council has agreed was significantly above the national average.
- 3.6 The use of a licensed deficit permits schools to plan their budget to balance or move into surplus within a 3-5 year period. The current economic conditions faced by schools, including the funding levels set by central government are making it more difficult for schools to maintain a positive budget position. For the 2023/24 financial year there are 33 schools (out of a total of 61 maintained schools) that have licensed deficit budget arrangements. This represents 54% of all schools with the greatest pressure being in the primary phase, where 29 out of a total of 48 schools will be operating licensed deficits.
- 3.7 As reported in a recent [Schoolsweek](#) article published in January 2024, highlighting a recent [dataset released by the Department for Education](#), the proportion of primary schools in deficit is now at its highest level since the current dataset began in 2015. Other than Brighton and Hove the only other authorities with a similar proportion of schools in deficit appears to be the London Boroughs of Havering and Westminster, where more than 40 per cent of primary schools have a deficit.
- 3.8 The position in the city is more acute than the national picture. Whereas DfE figures show that nationally in 2022/23 12.3% of primary schools had a negative revenue balance (deficit), the proportion in Brighton & Hove for primary schools in deficit was 40.8%. This highlights the extent of the stress on primary school finances in the city and reinforces the need to take action on unfilled places due to the number of schools impacted at this time. The total of the licensed deficits for 2023/24 is £4.393m. This is only slightly below the net school balances at the end of the 2022/23 financial year which was a surplus of £4.540m. It is anticipated that by the end of the 2023/24 financial year there will no longer be an overall surplus balance position and

that the net position across all schools will be around the breakeven mark, however this assumes some improvement in school forecasts between now and the end of the financial year, and there is still risk that overall school balances will show a net deficit position at year-end.

- 3.9 Any assumption or reliance on the Council being able to continue to absorb deficits at the current level needs to be considered in the broad context of the Council's overall financial position. The Government's Autumn Statement 2023 and recent additional funding announcement purport to increase Local Government Spending Power by 7.5% for 2024/25. However real terms inflation being experienced by the council is closer to 8% due to increases in the costs of social care provision, most of which is externally provided, together with energy cost uplifts, increased interest rates driving up capital financing costs, and increased external contract costs. Moreover, the funding does not keep pace with significant increases in demands including, for example, significant growth in adult and children's social care, home to school transport, and homelessness. The impact of the cost of living crisis on Council incomes is further compounding funding pressures, including everything from reduced planning fees to lower commercial rent incomes, to lower than expected parking and permit income.
- 3.10 In summary as the Local Government Association (LGA) has noted, the Autumn Statement 2023 falls far short of the funding needed to meet demand and cost pressures across local government. In this Council, the conservative estimate of the growth in costs and demands in 2024/25 is approximately £48 million, an unprecedented increase of over 20% of the council's net budget. This includes the combined impact of inflation, increased demands and reduced incomes as referred to above. A budget shortfall (gap) of over £30 million is estimated for 2024/25 and this inevitably results in some very difficult choices given that the council has no unallocated provisions or risk reserves to help the position in the short term. This adds to the challenge of councils being able to develop viable, sustainable medium term financial plans and it remains to be seen how many councils will continue to be financially viable over the next 2 years without resorting to unsustainable, short-term measures including using up emergency reserves (Working Balances) or selling off public assets.
- 3.11 It is against this backdrop that the Council is having to take significant steps to address the negative impact on school finances of unfilled school places. With a continued drop in the forecast of Reception school places needed in future years, it is imperative to avoid an accumulation of financial pressures across primary phase schools and why such significant steps as the closure of St Peter's Community Primary and Nursery School have to be considered. If the Council fails to take action to reduce the number of surplus places in the city in the longer-term, school budgets will remain lower thus making 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.

- 3.12 The Council monitors surplus reception places, a key measure of demand, and aims to maintain a 5-10% surplus across all city primary schools.
- 3.13 Significant surplus school places across the city will make it more difficult for some schools to attract sufficient pupils to operate to the maximum of their published admission number. During the public consultation period the Council obtained updated data to forecast pupil projections to September 2027 and revised 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, not taking into account places removed in September 2025 following recent committee decisions, see 3.15 below. 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

- 3.14 The Council is confident in its forecasting. In December 2022, the Council estimated that 2107 starting school places would be required in September 2024. On 7 February 2024, a total of 2120 first preference applications have been made for Brighton and Hove schools for September 2024, the forecast is 99.4% of the actual pupil number and provides assurance that the Council's pupil forecasts are a reliable source of information on which to base decisions.
- 3.15 In order to address the issue of surplus places CF&S committee took the difficult decision at their meeting of 22 January 2024 to reduce the PAN of six primary schools in the city from September 2025 thus removing 180 reception places. The proposal for the closure of both St Peter's and St Bartholomew's schools would remove an additional 60 places. Further measures to address falling rolls are likely to be required in the coming years to bring the number of primary school places in the city into line with current and projected demand. If taken forward, the proposal outlined in this report would begin to address the issue of falling rolls by removing 30 reception places; however, in isolation, this is unlikely to resolve the problem and, based on current projections, further action to address surplus reception places is highly likely.

St Peter's School and the Portslade planning area

- 3.16 St Peter's Community Primary and Nursery School is a maintained community primary and nursery school located in Portslade. It has a Published Admission Number (PAN) of 30 and capacity for 210 pupils from Reception to year 6.

3.17 The table below shows the council’s forecast of demand for school places in the Portslade planning area up to September 2027. Note that this is an extract from the complete table contained at Appendix 1. No further analysis of the pupil forecasts has been undertaken during the representation period.

Date of Birth / school year	School year in Sept 2024	BN41 1	BN41 2			
1 Portslade		St Peters Primary Benfield Primary St Marys Primary	Brackenbury Primary St Nicolas Primary Mile Oak Primary Peter Gladwin Pri	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		90	180	270		
01 September 19 to 31 August 20	R	64	131	195	176	95
01 September 20 to 31 August 21	2025	64	136	200	180	90
01 September 21 to 31 August 22	2026	57	129	186	167	103
01 September 22 to 31 August 23	2027	51	124	175	158	113

The Portslade planning area in which the school is situated is expected to have over 90 unfilled places in the coming years. There are 65 applications from families living in the BN41 1 area (South Portslade) for reception places at Brighton and Hove schools for September 2024. This compares with a forecast figure of 64 pupils, a forecast accuracy rate of 98.9%.

3.18 There are estimated to be under 60 children living in the BN41 1 postcode requiring a school place in 2026 and 2027. There are currently 90 places available, albeit 30 places are at a church school. St Peter’s Community Primary and Nursery School admits a number of children who live in West Sussex. The Council does not have a statutory duty to provide school places for those not resident in Brighton & Hove but cannot restrict admissions to the school to only those living in Brighton & Hove.

3.19 In West Sussex County Council’s [Planning School Places](#) document it states that in the Adur area, “there are now surplus primary school places across the district. Some schools, have or are currently, consulting on reducing their PAN’s to aid with the school organisation and financial stability”. For Year R in the Lancing planning area in 2023 there was 6% capacity and 23% in the Shoreham planning area. Both planning areas are operating at 87% of their total capacity and are considered full by WSCC when at 95% of total capacity. It concludes by stating that “there is no expected pressure on needing additional primary schools for the next four years”.

3.20 The table below details the number of pupils on roll at St Peter’s Primary and Nursery School on school census day in both October 2022 and October 2023. This is the lowest number of children in Year R to Year 6 of

any primary school in Brighton & Hove. In the Autumn Term 2023 the school's official headcount in the nursery class was 21 children.

Census Date	N2	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
October 2023	21	12	13	10	12	17	9	18	112
October 2022	16	18	13	16	17	13	17	19	129

- 3.21 As at 21 February 2024, there are 53 pupils still on roll at St Peter's 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.
- 3.22 Whilst undoubtedly affected by the Council's proposals, the number of preferences received for the school from parents of children due to start at the school in September 2024 is substantially lower than the school's PAN and would have a significant impact on the school's budget allocation for 2025/26 should the school not increase pupil numbers before the October 2024 census date used for the purposes of determining the funding allocations. Individual parents will not be informed of the outcome of their applications until National Offer Day on 16 April 2024 and so the specific figure for first preferences cannot be published here but is provided to Members in their background papers.
- 3.23 It is recognised that by undertaking a consultation on a proposal to close the school families may have chosen to remove their children from the school, therefore artificially distorting the number of children on roll. It is considered unlikely that if the Council decides not to close the school that these families will return their children to the school for the new academic year. The Council is monitoring pupil movement closely and supporting schools as required. The Council acknowledges the impact for staff and pupils in seeing their peers and friends leaving the school prior to any final decision.
- 3.24 The school is currently forecasting that at the end of the financial year 2023/2024 its budget will be in deficit by £203,000. This represents 26% of the school's 2023/24 formula budget and early years funding allocation of £792,000. The school's budget for 2024/25 has been determined as £627,059. Should the school close, it will only be ear-marked to spend the pro-rata amount of funding April 2024 – August 2024 with the remaining funding re-distributed to other schools in the city for the period September 2024 – March 2025.
- 3.25 If the school was to remain open, the Council would be required to support the school for an uncertain period of time into the future before the deficit was cleared and this would create additional risk to the Council's own General Fund which at this time would add to the need for the Council to continue to take drastic financial action, as detailed in recent budget proposals put forward to Full Council. Further information regarding the financial implications of the closure can be found at paragraph 6 below.

- 3.26 Part of the school's accommodation is not owned by the Council but is rented under a lease which runs until 2037. There are further rent reviews scheduled for 2027 and 2032. The current annual rent is circa £42,000. Without the support of the Schools Forum, the funding to meet the annual rent, should the school remain open, would have to be made by the school from its own funding or by the Council directly.
- 3.27 Should the school close, the Council will need to meet the cost of the rent itself or consider alternative action such as the early relinquishment of the lease.
- 3.28 The school is currently judged Requires Improvement by Ofsted, is subject to Ofsted monitoring and has a Council School Improvement Strategy Board as a school requiring support and intervention. The school has a temporary leadership structure with an Executive Headteacher and Head of School. This is not a long-term leadership model with the governing body working outside of any formal collaborative structure such as a federation.
- 3.29 Based on all the factors above, with considerable regret the Council remains of the view that St Peter's is no longer financially viable.

4. Process to close a school

- 4.1 The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 ("the Regulations") set out the reasons for closing a maintained school. These include, but are not limited to, where:
- there are surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicted demand for the school in the medium to long term;
 - it is to be amalgamated with another school;
 - it has been judged inadequate by Ofsted and the Secretary of State has revoked the academy order;
 - it is no longer considered viable;
 - it is being replaced by a new school
- 4.2 When seeking to close a school the Council is required to follow the processes set out in the Department for Education statutory guidance "Opening and closing maintained schools -Statutory guidance for proposers and decision makers, January 2023" (the DfE Guidance). In particular the Guidance sets out the considerations that should be taken into account by the decision maker when deciding proposals to discontinue (close) a school. It requires that the decision maker should have due regard to all responses received during the representation period and be satisfied that the proposer has carried out the requirements of the statutory process satisfactorily.
- 4.3 On 6 November 2023 Children Family and Schools Committee decided to proceed to consultation on the proposal to close St Peter's Community Primary and Nursery School. (The November committee report is included

as Appendix 5). A consultation ran between 7 November 2023 – 20 December 2023 which gathered feedback on the proposals from parents and staff at the school and other stakeholders who might be impacted by the decision.

- 4.4 On 22 January 2024 CF&S committee considered the consultation feedback and agreed to publish Statutory Notices. The January report is included as Appendix 4. The evidence and rationale for the decision to move to the statutory notice period is set out in the January report.
- 4.5 When publishing Statutory Notices the Guidance states that “the proposer must publish the full proposal on a website along with a statement setting out:
 - how copies of the proposal may be obtained;
 - that anybody can object to, or comment on, the proposal;
 - the date that the representation period ends (4 weeks from publication); and
 - the address to which objections or comments should be submitted.”
- 4.6 A brief notice containing the website address of the full proposal must be published in a local newspaper.
- 4.7 The council published its Statutory Notice on the Council’s webpages on 23 January 2024 [here](#). It provided details of the representation period and proposals [here](#) and asked for responses to be made via the online [consultation portal](#). The Statutory Notice was also published in The Argus.
- 4.8 If responders were unable to access the information made available on the Council’s website, they were asked to contact the Council’s School Admissions Team by phone. For those who could not use the Council’s own translation facility they were asked to email the Council directly.
- 4.9 During the final 10 days of the representation period, although there is no statutory requirement to do so, in order to further publicise the proposal the Council also displayed the notices within publicly accessible buildings in the local area and further promoted to local nurseries and family hubs and social work buildings.
- 4.10 The school was provided with a letter translated into Arabic, Portuguese, Bengali and Polish to share with their school community which provided guidance and support on how to make a representation to the Council.
- 4.11 Copies of the proposal were sent to the following parties on or very soon after 23 January 2024:
 - The Members of Parliament for Hove, Brighton Pavilion and Brighton Kemptown
 - All Headteachers and Chairs of Governors in Brighton & Hove
 - Early Years providers in the city
 - CEOs of Multi Academy Trusts with Brighton & Hove Schools
 - East and West Sussex County Councils
 - All Brighton & Hove City Councillors
 - The Chichester Anglican Diocesan Board of Education

- The Catholic Diocese
- The Department for Education
- It was also shared with Community Works and some local Voluntary and Third Sector groups to share amongst their networks

4.12 Following the publication of the statutory notice, a 4 week representation period ran from 23 January 2024 until 20 February 2024 during which time interested parties were invited to make further comments on the proposal.

5. Responses to the Statutory Notices

5.1 All responses received are available confidentially to Members sitting on the Children, Families and Skills Committee and for Full Council for their consideration.

5.2 The responses received during the representation period via the Council's consultation portal have been grouped into the following categories:

Supportive - 3
 Unsupportive – 122
 Total – 125

12 responses were received within an hour of the 17:00 deadline on 20 February 2024 and have been included in this summary.

The breakdown of responders is as follows:

Brighton & Hove resident	33	27%
Parent or guardian of a child(ren) directly affected by the proposal	54	43%
Parent or guardian of a child(ren) not directly affected by the proposed changes	9	7%
Teacher in one of Brighton & Hove schools	3	2%
Not Answered	18	15%
Other	8	6%

Religion

Agnostic	4	3%
Atheist	2	2%
Christian	14	11%
I have no particular religion	38	30%
Muslim	4	3%
Not Answered	52	42%
Prefer not to say	8	6%
Other	1	1%
Buddhist	2	2%

Ethnic origin

Black or Black British: African	1	1%
Asian or Asian British: Bangladeshi	4	3%
Asian or Asian British: Indian	1	1%
Not Answered	51	41%
Prefer not to say	7	6%
White: Any other White background	7	6%
White: English / Welsh / Scottish / Northern Irish / British	47	38%
Mixed: Any other mixed background	3	2%
White: Irish	1	1%
Mixed: Asian & White	1	1%
Other ethnic group: Arab	2	1%

5.3 The issues raised reiterated concerns which had been raised during the previous consultation period. Comments received covered the following broad themes, which are addressed elsewhere in this report:

- Concerns that the Council was breaching government guidance, particularly in relation to travel to alternative schools and equalities issues.
- Concerns that the loss of the nursery would mean families would not have affordable or sufficiently suitable alternative nursery provision.
- Sadness that closure would deny future pupils the experience shared by many who had children or who had themselves attended the school.
- The impact on travel for families needing to attend a different school.
- Concerns for those pupils attending the school who have been experiencing the disruption and uncertainty caused by the consultation. Concerns were also expressed about the impact on pupils at a time when many are still having to manage the impact of Covid restrictions.
- Concerns that the alternative options for nursery and school places are not considered to be realistic or clearly described in previous reports, and that families seeking a West Sussex school place would not get the same treatment as those applying for a new school place in Brighton and Hove.
- Concerns about the ability of other schools to meet the needs of transferring pupils in the way that St Peter's Community Primary and Nursery School is currently able to, thus further disadvantaging these pupils, especially if they are placed in large classes of 30 or more pupils. It was felt that the closure of the school would therefore discriminate against low-income families, working mothers and families of child with SEND.
- Concern about the loss of a valuable community asset and budget decisions made by the Council which did not prioritise education funding over other council projects.
- The short-term nature of the pupil forecast compared to planned house building in the area was questioned alongside respondents highlighting the

impact on families living in West Sussex where it was felt there was not enough school places available.

- Concern was expressed that the decision to close was a foregone conclusion and there had been insufficient consideration given to the number of responses opposing the proposals during the public consultation. Some respondents were concerned that the school's closure would impact on south Portslade by taking away a reason for families to live in the area. It was felt the school's site was well positioned to cater for new school places in the plans to expand the housing stock in the area.
- It was felt that alternative options to closure should be explored, such as closing the rented part of the school, expanding the nursery, returning the school to being an infant school and creating a SEND hub. The process of consultation and decision making was considered sloppy and incompetent. Concerns were expressed that the publication of statutory notices was not communicated sufficiently to the local community and led to a sense of unfairness.
- Those respondents who supported the proposals commented that no other solutions to the problem of falling pupil numbers were apparent, that the school was not viable, that government funding did not support small classes and that the absence of small class sizes did not necessarily mean that a school would not be able to support children with SEND.

5.4 The Council acknowledges the continued level of opposition to the proposal as outlined by the responses during the representation period. This report seeks to address the concerns raised and look at how the Council can mitigate the impact of closure in the event the proposal is agreed.

6. Considering the financial implication of these proposals

6.1 The financial year 2023/24 will be the second consecutive year that St Peter's has ended the financial year with an overspend. The school has not provided a viable, long term plan to bring the budget back into a balanced position. There is also a risk that with a further fall in pupil numbers across the city the capacity of the school to attract sufficient pupils by the time of the October census which determines funding will decline still further.

6.2 Calculating the future consequences, both negative and positive, of a decision requires the use of assumption. The figures relating to the future financial impact of specific decisions must therefore be treated with caution, however there are some factors which can be determined such as a school's budget position on a specific day, a final redundancy calculation and the total budget allocated to a specific activity. The financial impact of a child moving to a new school roll can only be calculated after they have been counted on the receiving school's October census figure. This is then translated into a budget allocation for the next financial year and those funding levels are yet to be determined. The additional expenditure incurred by a school of one extra pupil being admitted will be clear if for example a new class teacher is required but may not be clear if the school is able to

provide additional resources required such as curriculum materials or classroom furniture from those currently available in the school.

6.3 However it is important to demonstrate that the financial impact of a decision has been taken into consideration, no matter how broad the considerations and assumptions made. In considering and estimating the potential costs of closure the costs, the final figures will vary but can be categorised into 4 main areas:

- Potential redundancy and possible pension costs – Based on latest estimated data from Human Resources there is an estimated cost of £230,000. This represents an assumption that 75% of staff will accept an offer of redundancy which is felt to be a prudent estimate.
- Write-off of deficits at the point of closure – there is a deficit of approximately £200,000 expected at the end of the 2023/24 financial year. For the purposes of planning there is an assumption that there will be a final deficit of £250k at the end of the summer term 2024.
- Team around the school, costs to the Council of supporting displaced pupils, securing school sites after closure - Costs are not fixed but an estimate of £175,000 has been made to cover these areas.
- Potential pay protection of redeployments – There is uncertainty about the number of potential redeployments and whether protected pay arrangements will be required. A total of £40,000 is being allowed which represents 10 staff at £2,000 each for 2 years.

Total Potential Costs as summarised above total £695,000.

6.4 Against the costs estimated above, the potential financial offset if the school is closed should also feature in the analysis of whether the proposal is justified. The proposal to close St Peter's Community Primary and Nursery School will mean that pupils displaced will move to other schools in the city. The funding of the school is based on the pupils that were in attendance during the October 2023 census of pupils (used to calculate the 2024/25 budget). There were 91 pupils at St Peter's with pupil-led funding of approximately £5,000 per pupil. After closure, as pupils move to other schools in the city, there will be financial benefits to schools receiving pupils equivalent to approximately £5,000 per pupil. In total this will mean funding equating to £455,000 as an improvement to other schools. which for receiving schools where their pupil numbers are below the PAN will improve their budgetary position.

6.5 For most schools receiving pupils it is expected there will only be a very limited impact to organisational structure that should not significantly affect their cost base as pupils will be accommodated within existing surplus places. However, in recognition that there may be some situations where schools do need to increase their cost base to accommodate displaced pupils it is assumed that 50% of the additional £5000 funding per pupil will be required. Over a 5-year period, and assuming a 5% reduction in pupil numbers each year (linked to the forward projecting of falling pupil numbers) it is estimated that there will be a net benefit of £1.030m to the wider primary school system.

Total potential cost offset of closure as described above £1,030,000.

- 6.6 Overall, this would mean a net potential cost benefit of £335,000 over a 5-year period. At this stage in producing these estimates no financial benefits have been allowed for possible capital receipts for future disposal of school sites, or for wider behavioural change by schools in relation to budget management as a consequence of the Council's current proposals to close two one form entry primary schools with significant deficit budget positions.

7. Capacity to accommodate displaced pupils

- 7.1 The DfE Guidance states that “*The decision maker should take into account the overall quality of alternative places in the local area, balanced with the need to reduce excessive surplus capacity in the system*”. 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 either the nursery or primary school classes. While school places potentially fluctuate daily, the availability of school places on 21 February 2024 is as follows in the table below (it is anticipated that all pupils currently in year 6 will remain at the school for the remainder of this academic year so that data is not provided but is available).

School (distance from St Peter's in metres)	Current Year group						
	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
St Peter's – Current pupil numbers	12	9	7	9	13	3	
St Mary's (545m)	3	0	2	0	0	0	
Benfield (1246m)	5	3	3	3	16	6	
Brackenbury (1062m)	1	0	5	13	7	1	
St Nicolas (1109m)	1	0	5	0	5	0	
Peter Gladwin (1723m)	0	1	6	3	3	3	
West Hove Infants – Portland Rd (2357m)	0	3	9	6	13	3	
Hangleton (2799m)	7	2	5	8	8	19	

Mile Oak (2886m)	3	17	4	15	7	20	
Eastbrook (1931m)	7	0	0	0	0	0	
The Glebe (3058m)	8	16	21	13	0	0	
Holmbush (3862m)	4	0	1	7	0	17	
St Peter's (Shoreham) (3862m)	5	5	0	0	0	7	
St Nicolas & St Mary's (4023m)	0	13	4	4	4	0	
Swiss Gardens (4667m)	14	22	1	0	3	4	
Shoreham Beach (5150m)	0	0	2	0	0	4	
Buckingham Park (5472m)	31	14	15	12	8	13	

Transition

- 7.2 Since the decision was taken to publish a Statutory Notice, consideration has been given to ensuring that, should the proposals be agreed by Full Council, pupils at St Peter's Community Primary and Nursery School are supported to move to another school with maximum support from Council services so that any disruption is minimised.
- 7.3 The Council recognises that there will be an impact on all pupils 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 occurs from the move of pupils, should the school close. This latter service will have a member of staff committed to half a day per week for this work.
- 7.4 The Council has established 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. This Transition Board will work closely with the teams mentioned above, school staff, and staff at receiving schools to ensure the transition of pupils is managed in a 'child-centred', caring and considered way. Head teachers attend the Board. The term of reference are provided as Appendix 3

- 7.5 The Board's membership includes the schools themselves, a parent/carer representative from PACC (who also liaise with counterparts in West Sussex), and a range of specialists covering Standards & Achievement, SEN, Educational Psychology, Admissions, Ethnic Minority achievement Service, Access to Education, Anti Racist expertise and the Virtual School. The Board includes expertise on trauma-informed practice.
- 7.6 The Transition Board held a recent meeting focusing on SEN (see Pupils with Special Educational Needs section below). Future meetings will look at anti-racist practice; at children who may have multiple vulnerabilities including a diagnosis or who are known to social care; and how the Council allocates resource fairly and transparently.
- 7.7 Links with West Sussex are being established between each service. For nursery aged children, based on current information it is expected that all the current nursery children except two (and any new starters) will be starting school in September 2024. If the families of the two children still of nursery age would like support to find new provision, the Council will work with their school to access places, whether in Brighton & Hove or in their authority of West Sussex. For school admissions, West Sussex officers are being invited to attend drop-in sessions at St Peters for parents, so that parents are in a better position to understand the process.
- 7.8 The newly released results of the January 2024 School Census are now available. This comprehensive data is being used to populate a Vulnerability Index for all pupils at the school. Combined with data from other sources, this will build detailed profiles of the children in most need, based on information from those closest to them. This will include information on pupil's needs and strategies and interventions that work to support individual children in their learning. These profiles will enable resources to be targeted accurately and fairly in a proactive way.
- 7.9 The Transition Board is setting up a 'Team around the School', which will bring together a professional network around the needs and strengths of each child identified by the Vulnerability Index as a priority. Working with the Headteachers, SENCOs and staff who know the pupils well, support plans will be created to identify and plan the successful transition to a new school. This will support early intervention and will also ensures that receiving schools have a full and up to date picture of strengths and needs.
- 7.10 To ensure families were fully informed about the school application process, subject to a final decision by Full Council, information was sent to the school to circulate to families on 1 February 2024 and all primary schools in the city were notified of this process on 2 February 2024.
- 7.11 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 Peter's Community Primary and Nursery School can do so.

- 7.12 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 Peter's Community Primary and Nursery School between September 2024 – March 2025 to support them in their new setting.
- 7.13 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.
- 7.14 Information on pupils' needs and strategies and interventions that work to support pupils in their 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 Peter's will remain valid and can be used as supporting information for an Education, Health and Care Needs Assessment. 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.
- 7.15 Work is also underway to look at the costs families might incur from any proposed closure. The Council is looking to work closely with the receiving schools to ensure funding for uniforms are provided for those who need this.

Size of alternative schools

- 7.16 The Council has heard many families comment on the benefits of St Peter's Community Primary and Nursery School 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. Notwithstanding the small class sizes St Peter's Community Primary and Nursery School has been evaluated by Ofsted as requiring improvement.

8. Nursery Provision

- 8.1 On 21 February 2024 there were 27 children attending the nursery provision at St Peter's. During the representation period the Council has continued to hear about the high regard in which the school's nursery class is held by parents and the community.
- 8.2 All children who started at the nursery before January 2023 will be able to finish their nursery education at St Peter's and then start Reception at alternative schools in September 2024. The school has had new children

join the nursery class in January 2024. These children will be required to find alternative nursery provision should the school close. Families can contact the Council's Early Years team to receive support in that process. It is important to note that whilst the nursery class has retained high numbers of children, a significant number of parents do not choose for their children to attend St Peter's in Year R; there is no automatic transfer from the nursery to the school.

- 8.3 The Council is responsible for ensuring sufficient early years provision in its local area although it is not required to maintain the identical offer of provision should a nursery close. In the report to the CF&S committee in January 2024 details of Brighton and Hove early years provision within two miles of St Peter's Community Primary and Nursery School was provided. As previously reported, the Council is also exploring whether other nursery provision can be developed in the area, while taking into consideration overall sufficiency in the city as set out below.
- 8.4 The Council's 2023 Childcare Sufficiency Assessment did not find a shortage of early years provision across the city as a whole. Between December 2019 and August 2023 the number of early years places on the Ofsted register in Brighton and Hove increased by 4% compared with a 1.5% increase in England as a whole. Where nurseries in the city have closed they may be replaced by a new provider on the same site, for example at South Portslade Community Centre where a new nursery opened in January 2024. The Centre is 0.2 miles from St Peter's school.
- 8.5 The Council's Family Hubs team will support parents to find alternative early years provision. Parents can be reassured that all early years providers offering the early years free entitlements must be registered on the Ofsted early years register and follow the early years foundation stage statutory framework which includes learning and development requirements and welfare requirements, specifying staff:child ratios and staff qualifications. They are also required to comply with the council's EYFE funding agreement. Noting that with recent government announcements, changes in early years funding and the indication of greater priority under a new government the sector faces a number of uncertainties at this time.
- 8.6 From April 2024 the early years free entitlement starts to be rolled out to younger children, with a significant expansion (30 hours a week from the age of nine months) from September 2025. The DfE's local authority readiness data states that "in Brighton and Hove we estimate that 0 places will need to be created by September 2025". The DfE have stated that they will further refine local data which may change that conclusion, but this has not yet been provided.
- 8.7 Where parents require additional early years provision in addition to their EYFE they may be eligible for help with childcare costs through tax free childcare/childcare element of universal credit.

9. Pupils with Special Educational Needs

- 9.1 In St Peters there are 8 pupils with an Education Health and Care Plan (EHC Plan); 2 of these pupils are currently in Year 6. 4 of these pupils live in Brighton and Hove. One child with an EHCP has already left for a West Sussex school. 24 pupils are recorded as having SEN support. There is one child where an Education, Health and Care needs assessment is in process.
- 9.2 Through the public consultation and representation period, concerns have been expressed about how other schools will be able to meet the needs of those pupils at St Peter's who have special educational needs, how those pupils will cope with a transition to another school, and whether any receiving school would put in place appropriate interventions to support these pupils.
- 9.3 In terms of considering transition support priority is being given to children with complex needs or multiple vulnerabilities, or where there are siblings to take into account. To smooth the transition, the SEN service will look for ways to retain existing school relationships where possible. and will seek to include SENCO's from receiving schools in Annual Reviews (including West Sussex SEN staff).
- 9.4 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. The Principal Educational Psychologist has been in contact with the Headteacher to discuss how the Brighton and Hove Inclusion Support Service (BHISS) can support the transition process should the decision be made to close the school.
- 9.5 In the Autumn term 2023 a Senior Casework Officer attended a parent/carer coffee mornings at the school to listen to concerns and to explain the process of changing a school for pupils with EHC plans.
- 9.6 Since the start of January 2024, the SEN service has been in regular contact with the school's SENCo about children with EHC plans and arranged/attended meetings at the school to discuss these children and any other pupils who might need an EHC needs assessment.
- 9.7 The SEN service has offered support to the school and the SENCo with the following:
- Attending the children's Annual Reviews at the schools
 - Reviewing their current in school provision to ensure that resources will be in place to ensure a smooth transition
 - Offering to meet with parents of the children with EHC Plans to ensure that the team understand any emerging preferences and deal with any queries
 - Discuss any pupils currently on the SEN register and consider whether an EHC needs assessment may be appropriate.
 - Offering to meet or telephone each parent with a child with an EHC plan individually to discuss their preferences and options. The school SENCo has

confirmed that they wish to take the lead on this contact with families as they know them best.

- 9.8 As part of the meetings between the SEN Casework Manager and the school, information has been gathered using a child centred approach regarding supporting children to stay in friendship groups or to ensure siblings are placed together and knowledge of dynamics in classes which have to be considered. This has included discussing possible appropriate placements for pupils who have complex needs and the consideration of potential specialist placements for September 2024.
- 9.9 Children with Education, Health and Care Plans may require an Annual Review and the SEN Service will work to support the school and the families to facilitate this in the Spring or Summer Term 2024. For children who have had Annual Reviews in the last 6 months the Head of SEN has confirmed that there will not be a need for another full Annual Review meeting but there will need to be a meeting to discuss preferences and transition as soon as possible. The SEN team understand that there are currently 2 annual reviews that will need to be undertaken. It is anticipated that the needs of the majority of pupils can be met in other mainstream schools with appropriate support. If it is identified during the review process that specialist provision might be more suitable this will be followed up through the usual processes by the SEN team. One pupil has an agreed placement at special school for Sept 2024. In addition, the Council's SEN team will work with West Sussex County Council to attend two further Annual Reviews for West Sussex children if needed.
- 9.10 Pupils who are currently undergoing statutory assessment will see no disruption to the process as a result of the proposal to close the school. All 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.
- 9.11 There had been suggestions that the Council might need to find more specialist placements or provide additional funding to that which is currently available to pupils at St Peter's, 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 settings, subject to the updated information obtained during the annual review process.
- 9.12 The SEN Service has identified the other local school options according to each pupil's address for those with EHC plans and are aware of the spaces so that when parents have made a preference the team will be in a position to guide them as to next steps.

10. Impact on the community

- 10.1 The impact of the proposals on the community are acknowledged. Responses to the consultation and representation period have described the sadness in the community at the possibility of such a long-established

school closing. The process has been challenging for the whole school community including the governing body, staff, families and pupils. The council has therefore sought to foster a proactive and collaborative approach with all those involved during the engagement events and stages, which has included support to all groups to mitigate the impact of these proposals. This offer of support will be ongoing should the proposals be agreed by Full Council.

- 10.2 In response to the publication of the Statutory Notice, concerns were expressed that the impact on the area would be significant and might take away a reason for families to live in the area. Particular comments were made regarding the loss of affordable alternative nursery provision that supported working parents, the impact on travel for families needing to attend a school away from south Portslade and the loss of a valuable community asset in the school's building.
- 10.3 There are no active plans for the Council to adapt the building that would become vacant should the school close. It is expected that the site will remain as it is now preserving the building as a good quality example of an Edwardian state infant school with Arts and Crafts influences, in addition to the air raid shelters underneath.
- 10.4 It has been recognised that the school's community stretches beyond south Portslade, when consideration is given to the pupils served by the school. As it is not possible for complete classes from the school to move into the same new school, even if parents expressed 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, and the support of the Council's Schools Mental Health Service will be available. Children in year 6 will not be impacted in so far as they will be moving to a secondary school in any event.

11. Staffing

- 11.1 Should the school close, staff's jobs will be at risk. The Council has started a 41 day consultation with staff as their jobs will be at risk of redundancy should the school close. This consultation period started on 5 February 2024 and will run until 25 March 2024. If a decision is taken not to proceed with the closure of the school the consultation process will cease immediately. It has been made clear that the decision to start the consultation does not pre-empt the decision of the Full Council.
- 11.2 It was considered appropriate to start the consultation period before a final decision had been taken to ensure all staff had the benefit from being added to the Council's redeployment pool at the earliest opportunity. It is hoped that compulsory redundancies can be avoided wherever possible. The Leader of the Council and Co-Chairs of the CF&S committee wrote to all primary phase Headteachers and Chairs of Governors on 24 January 2024 stressing the importance for the sector, and the city more generally, of trying to retain

staff at both St Bartholomew's and St Peter's schools within the local education system. This has included asking that where other schools hold vacancies that they consider including them in a redeployment pool, whilst being acutely aware of the broader position on school funding and in the context of many schools looking to make savings on their own budgets.

- 11.3 This message was also shared with colleagues in the secondary sector on 11 February 2024, as it is possible that staff at the school have transferable skills that will suit roles in secondary schools.
- 11.4 The Council recognises that despite the correspondence from the Leader of the Council and Co-Chairs of the CF&S Committee, 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 of 19 February 2024, there were 6 primary school teaching jobs being advertised by schools and 21 support staff roles. Additionally, there are 47 posts in the Council's redeployment pool as staff will also have access to those.
- 11.5 Whilst the Council is hoping to retain the knowledge and experience of staff working at St Peter's Community Primary and Nursery School should the school close it is however recognised that as pupil numbers continue to fall across the city schools are having to reduce the number of staff employed.
- 11.6 The school has put forward proposals to remain open as a smaller school (see section 14 below). This would mean the retention of most staff. However, the high-level budget proposals put forward did not include any calculation of the cost of the redundancy of some staff members who would no longer form part of the smaller teaching staff who would be required, albeit circumstances have subsequently changed. This financial responsibility would fall to the school. 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.
- 11.7 Staff who are made redundant will receive their relevant entitlements depending on the role in which they hold at the school and their continuous service.

12. Accommodation

- 12.1 As indicated above the Council does not yet have any active plans for the future use of the school site should the school close. Any alternative uses of the site will be subject to consultation, where the impact on the community will need to be assessed as part of any future decision-making process. The Council is committed to maintaining educational provision from the site, and maintaining the integrity of the building, ensuring the community resource, whose history is much valued, remains, so that its contribution to the area is not forgotten.
- 12.2 As stated further up the report, part of the school's accommodation is not owned by the Council but is rented under a lease which runs until 2037.

Should the school close, the Council will be required to meet the costs of the rental agreement until a future purpose and funding source has been identified.

- 12.3 The school is in the proximity of Shoreham Harbour which is identified as a development area in the Council's City Plan. Over a period of 15 years (2022-2037) a total of 379 dwellings have been identified in the part of the development area which falls within Brighton and Hove; the majority of the development is in West Sussex. Of the remaining 350 dwellings still to be built as part of this development the Council has calculated that 37 primary aged pupils are expected to require places up to its scheduled completion of 2037. This would be less than one pupil per school year group per year. Even taking account of dwellings scheduled to be built outside of major development areas, in the Portslade area, it is likely that the number of children requiring places will not be statistically significant to affect the forecast of pupil numbers in future years.
- 12.4 The West Sussex County Council Planning School Places document states that the Shoreham Harbour Regeneration development will have a minimum of 970 dwellings within Adur. The development was anticipated to bring forward the need for a one form entry (210 place) primary school to be sited within the development or, if this is not possible, within a reasonable distance from the development. The document states that "With the current downturn in primary pupil numbers in the planning area, it is not currently planned to provide additional accommodation at any of the existing primary schools serving the area, or to actively seek a school site for an additional primary school."

13. Travel

- 13.1 Throughout the process the Council has been mindful of the provisions contained in the DfE Guidance which relate to the travel implications of the proposal. In particular the Guidance states that:
- Decision makers should be satisfied that the proposal will not adversely impact any particular group, including those with protected characteristics or who are disadvantaged (for example, those who are eligible for free school meals or pupil premium).
 - The decision maker will need to consider the local context, for example in areas with excessive surplus places, the decision maker should consider whether the travel implications of the proposal are reasonable compared to those for alternative options for reducing excessive surplus capacity.
 - Decision makers should also consider how the proposal will support the local authority's duty to promote the use of sustainable travel and transport to school.
 - When closing 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.

13.2 Throughout the consultation 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 in the Portslade area. Concerns have been expressed by families with young children, and the practicalities of transporting them to and from a new school site when accompanying their school aged sibling.

13.3 In order to consider the impact of the proposal for closure the council has analysed the distances involved of alternative options available to the current families attending the school, taken from the addresses of those families.

13.4 The following table provides information regarding the distance to alternative schools from all postcodes where current pupils on roll at the school live. The number of pupils in each postcode is included in brackets. Where there is more than one child living in a particular postcode the distance shown is the average distance of all pupil journeys from that postcode to the school. The distances are measured in metres and have been measured using the shortest available walking route and not as the crow flies. The first line in the table provides the current distance from where existing pupils live to St Peter's school, which varies considerably with the shortest distance being an average of 553 metres and the longest distance being 16990 metres.

School	BN10 8 (1)	BN14 7 (1)	BN15 9 (3)	BN3 4 (6)	BN3 5 (1)	BN41 1 (40)	BN41 2 (6)	BN42 4 (6)	BN43 5 (2)	BN43 6 (1)	BN6 9 (2)
St Peter's Community Primary School	16990	12571	9099	2512	3150	553	2241	1328	7511	3156	14434
Benfield Primary School	17168	13402	9378	2518	2212	1012	1670	2028	8342	3100	13306
Brackenbury Primary School	17737	13008	8893	2976	2861	968	1213	1757	7948	2615	13948
Buckingham Park Primary School	21572	9212	5746	6900	6908	4699	4515	3609	4152	2104	17906
Eastbrook Primary Academy	18409	11959	8227	3727	3947	1403	2134	1191	6899	1922	15171
Hangleton Primary School	17128	14882	10762	3417	2214	2567	2119	3603	9822	4485	12180
Holmbush Primary Academy	20205	11585	7280	5446	5344	3217	2695	2364	6525	1162	16103
Mile Oak Primary School	19613	13788	9669	4781	4586	2712	986	3153	8728	3391	14581
Peter Gladwin Primary School	18398	13055	8936	3591	3514	1629	655	2306	7995	2658	13700
Shoreham Beach Primary School	23913	8808	5369	9438	9875	7195	7917	6107	992	5584	21159

St Mary's RC Primary School	17125	12694	9093	2507	2654	501	1858	1394	7634	3124	13938
St Nicolas' CE Primary School	17711	13055	8940	3008	2822	1005	1159	1804	7995	2662	13810
St Nicolas & St Mary CE Primary School	21045	9597	6074	6376	6388	4175	3994	3083	4537	1583	17385
St Peters Catholic Primary School	20628	9625	6187	6137	6570	3884	4310	2728	4565	1826	17701
Swiss Gardens Primary School	21634	8503	5065	7145	7595	4915	5287	3828	3443	2877	18678
The Glebe	19145	11150	7568	4622	5031	2375	2641	1260	6090	1098	16032
West Hove Infant School - Portland Road	15614	14521	10876	2569	870	2139	3389	3220	9461	4820	13254

- 13.5 The majority of families (a total of 40) attending the school live in the BN41 1 postcode (South Portslade). Six children live in each of BN41 2 (North Portslade), BN42 4 (Southwick in West Sussex) and BN3 4 (West Hove). The analysis demonstrates that the vast majority of families will be able to state a preference for a school well within a 2-mile walking route of their home addresses. The analysis also demonstrates that some families already live outside of a two mile radius of St Peter's and other schools are closer to them.
- 13.6 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 (3.2km) from their nearest suitable school; or the child is aged between 8 and 16 years and lives more than three miles (4.8km) 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.
- 13.7 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.
- 13.8 The Council will work with schools who receive pupils from St Peter's Community Primary and Nursery School to develop their school travel plans to seek to mitigate against increased car use.

14. Equalities

- 14.1 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. 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.
- 14.2 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 and representation periods.
- 14.3 Through the consultation and representation period, concerns were expressed by the school and from other responders 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.
- 14.4 For the subsequent notice representation period, communications in multiple languages were shared with the school towards the start of that process to enable families to engage with providing a representation response.
- 14.5 Staff from the Ethnic Minority Achievement Service (EMAS) have supported families they have worked with throughout the public consultation period to understand the proposals and have facilitated them in responding to the Council. The service has directly supported a range of families covering a number of languages, to help them understand and to respond to the consultation during meetings and in writing. They also supported two Black African parents who are English speakers to register their children, at a different school, for reception in September.
- 14.6 During the representation period EMAS staff have continued to liaise with EAL parents to ensure they understand what was happening in the representation period and what their options are if they wish to respond. EMAS staff have also continued to support parental understanding and access to early reviews of EHCPs. EMAS staff have shared information around admissions choices parents can make about transferring to a different school and what would happen if the Council made the decision not to close the school.

- 14.7 The Brighton and Hove Parent and Carer Council have also been available for families to support them as part of the process and liaised with colleagues in West Sussex to support families who live there. In addition, a specific meeting was held at the school for those families for whom English is not their first language, families from Black or Racially Minoritised groups and for those whose children have special educational needs in order that any particular concerns which they might have had could be listened to and addressed.
- 14.8 In both the public consultation phase and the representation period, the Council promoted to families the offer of interpreting and translation services. No families requested that support however, as described above, some translated text was made available to the school to support EAL families to make a response to the statutory notices. An offer was also made through both periods for a transcribing service to be available to enable anyone who didn't wish to make a written submission to provide a response. There were no requests made via that route.
- 14.9 Closing St Peter's Community Primary and Nursery School will remove the option of a school place in the south Portslade area at a school that is appreciated for how it supports families and children irrespective of their disabilities, race and life experiences.
- 14.10 It is recognised that any alternative school place will not be in a school of a similar size and is unlikely to have the small class sizes that the school has had in recent years and which have been valued by families with children at the school. However, these factors have contributed to the school's financial position and if similar circumstances, such as small class sizes, were replicated it would place those other schools at risk of not being financially viable. Small class sizes have also not acted as a barrier to the school being assessed as requiring improvement.
- 14.11 Whilst the Council acknowledges all the factors outlined in the paragraphs above the Council hopes that by proposing the closure of St Peter's Community Primary and Nursery School it will ensure other schools in the city are supported to remain resilient in the short and medium term. Other schools will then be better placed to ensure that pupils transferring to new schools remain well supported.
- 14.12 Alternative schools within walking distance of the families the school serves are ready and available to welcome pupils and their families into a new school community. The work of the Transition Board will be important in this regard and the Council expresses the hope that in the event the school is to be closed St Peter's management and staff will continue to demonstrate their commitment to the welfare of their families by actively supporting the transition of pupils, reassuring families about the future transition, and working in partnership with new schools to have a full and detailed understanding of the needs of the pupils.

15. Analysis and consideration of alternative options

- 15.1 During the public consultation period, the school put forward a number of alternative options to the Council's proposal to close the school. They suggested reducing the school's PAN and combining classes, keeping just the nursery and expanding it into a Family Hub, and retaining but co-locating it on the current site with a SEN special facility. The school were clear that their preferred option was to maintain the school and nursery by reducing the PAN at the school.
- 15.2 The Council could propose not to close St Peter's Community Primary and Nursery School or further explore the suggestions put forward by the school for alternative delivery models. These options are considered further below.

15.3 Option 1 – no action

- 15.3.1 The Council has an overall duty to manage school places effectively and to ensure that schools continue to provide high quality education for children in the city. If no action is taken it is inevitable that quality of education and outcomes for children in the city are at risk and the Council will be liable for the costs of schools worst affected by falling rolls as they move into debt or increase their deficit and eventually close for financial reasons.
- 15.3.2 The statutory consultation requirements in the closure process have meant that the school staff, families and community have faced a significant amount of uncertainty since November 2023. This has resulted in some families taking up opportunities of school places elsewhere and the pupil roll falling still further.
- 15.3.3 The operational and financial challenges affecting schools with falling rolls will continue to increase with a negative impact on pupils and the Council's financial position. Taking no action to the issues affecting schools with falling rolls is not an acceptable option available to the Council.

15.4 Option 2 - Explore options put forward by the school

- 15.4.1 As part of the consultation process the school put forward three alternative options:

- 1) Reduction in PAN to 15 and operate with mixed age group classes in all other year groups with a maximum of 105 on roll:

Nursery (max 50 places)
Reception (max 15 places)
Year 1/2 (max 30 places)
Year 3/4 (max 30 places)
Year 5/6 (max 30 places)

- 15.4.2 In the view of the school this class structure would enable the school to have a projected operating budget that would begin to significantly reduce the deficit by year 3.
- 15.4.3 The Council does not believe this to be a viable option. It considers that the risks of operating with a PAN of 15 are too high, that there are no economies of scale and very little flexibility. Whilst the Council recognises that other, particularly rural, schools in other parts of the country might operate with a PAN of 15 model, this is not a model that is considered to be financially sustainable within the city.
- 15.4.4 The school submitted a budget plan which was based on their proposed alternative model of a reduced PAN. The plan was predicated on the basis that the school would admit up to its reduced PAN of 15 pupils each year. The total number of preferences received for the school from parents of children due to start at the school in September 2024 is lower than the school's suggested revised PAN. The Council is therefore of the view that although a revised PAN would begin to contribute to a reduction in the school's overall deficit the reality is that the school achieving filling up to a PAN of 15 each year is unlikely and will become more challenging in future years as pupil numbers in the city drop further.
- 15.4.5 The budget proposals proposed a reduction in teaching staff and the purchasing of fewer support services. The proposals did not include any calculation of the cost of the redundancy of some staff members who would no longer form part of the smaller teaching staff who would be required. This financial responsibility would fall to the school. 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.
- 15.4.6 The Schools Forum currently support the collective approach to meeting the costs of the rental agreement for the additional accommodation, however this agreement ends in July 2024. The on-going hire of part of this part of school premises would need to be funded, or alterations made to the site which allowed that additional rented area to be vacated and a release from the lease negotiated to end the current arrangement.
- 15.4.7 Furthermore, the proposals by the school need to be considered against the offer of education this may produce. The school was graded as "Requires Improvement" in their most recent Ofsted inspection in March 2022. The Council would be concerned about a smaller schools' ability to continue on the improvement journey as needed. In particular the Council has reservations as to how a revised organisational structure would impact on the quality of education the school provides.
- 15.4.8 The low numbers of pupils now 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 financial support from the Council, in a context of constrained council resources to deliver council services to all communities in the city.

2) Keep the Nursery and expand into a Family Hub / Early Years Hub for Portslade

15.4.9 Proposals to extend the nursery to include younger age children and create an Early Years Hub for Portslade could only take place with the school continuing as the principal entity. As this does not form part of the Council's proposal the option of altering the provision in the manner suggested by the school is not achievable.

15.4.10 There are currently four main Family Hub networks in the city which have been developed in existing children's centres as part of a Government transformation programme. This includes Hangleton Family Hub in Harmsworth Crescent, Hangleton which is 2 miles from the school. There is also a spoke site Family Hub in North Portslade (i.e. the Family Hub is co-located with other services and signposts families to services within the same building but is equally integrated with services provided at other delivery sites) which is 1.6 miles from the school. Additionally, there is a West Sussex Family Hub in Shoreham, again just over 2 miles from the school. Family Hubs currently provide 5 nurseries including Acorn at North Portslade Family Hub.

3) Keep the nursery and develop a Specialist Provision Facility

15.4.11 When the Council looks to expand specialist provision onto the sites of schools in the city, there are two key requirements which St Peter's Community Primary and Nursery School does not meet. Firstly, the Council will only site specialist provision within schools which have at least a Good Ofsted grading. Secondly the school must be financially stable and be able to demonstrate ongoing financial stability in future years. Adding a specialist facility would not provide the school with the financial stability which it requires and would require a strong school infrastructure in order to provide it. For those reasons the Council does not consider this to be a viable option. Furthermore, it is not expected that a specialist provision is a stand-alone provision and therefore could not be established at St Peter's Community Primary and Nursery School if the decision is taken to close the school.

15.4.12 For the reasons set out above the Council does not believe that any of the proposals put forward by the school provide sufficient compelling information for the Council to consider them as viable alternatives to address the viability of the school in the short or longer term.

16. Community engagement and consultation

16.1 The Council undertook a public consultation exercise between 7 November and 22 December 2023. A total of 5 public meetings held in-person or online took place and were attended by a total of approximately 150 people. Many people attended more than one meeting.

16.2 The online consultation response form received 313 responses and 15 email replies were received directly to the council's school organisation or school admissions inbox.

- 16.3 On 22 January 2024 the CF&S committee agreed to publish Statutory Notices. A four week representation period then ran between 23 January 2024 and 20 February 2024 and sought comments from interested parties.
- 16.4 The Statutory Notices were widely shared, along with communications from the Council on their website and social media channels. That provision is designed to support those for whom English is not their first language and who may need additional help to make a representation. The statutory notice was provided directly to West Sussex County Council, both Diocesan Authorities, and local nurseries were informed.
- 16.5 A total of 125 responses were received in response to the publication of Statutory Notices via the Council's consultation portal and broadly 98% commented negatively about did not support the proposal. A small number of direct submissions were also received. The themes of the responses have been captured in this report and the equalities impact assessment has been reviewed to ensure that it reflects any issues raised which require it to be updated.
- 16.6 It will be apparent that this report is published within three days of the end of the representation period closing. By way of reassurance this is because officers have worked to absorb and consider representations as they came in and worked additional hours following the closure of the representation period to ensure that all representations were considered before the drafting of the report was completed. Councillors are being provided with all the representations made in an unedited format on a confidential basis with their background papers.
- 16.7 It is intended that should the CF&S Committee and Full Council agree the school's closure that direct opportunities are provided to families to meet officers and discuss issues such as transport, uniform, school admissions.
- 16.8 In response to concerns raised during both the public consultation period and the representations, should the school close, further efforts will be made by the Council to work with the school and the families to work together on the transition support and to further develop understanding of the changing needs of the communities impacted by the school closure.

17. Conclusions and summary

- 17.1 The Council has undertaken a public consultation and issued a Statutory Notice on proposals to close St Peter's Community Primary School and Nursery on 31 August 2024.
- 17.2 During the initial public consultation, a total of 313 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 representation period following the publication of statutory notices generated 125 representations via the Council's consultation portal and a small number of direct submissions.

- 17.3 The Council recognises the impact the proposal has upon the children, families and dedicated staff at the school, and that the ethos of the school has produced enormous loyalty and pride in the families it currently serves. It is with great regret that this proposal has become necessary to combat circumstances of reducing pupil numbers against a backdrop of constrained and pressurised resources for the funding not of just of schools, but of all council services across all communities in our city.
- 17.4 The school is anticipating ending this financial year with a £203,000 deficit and will be delegated a budget of £627,059 for 2024/25. 2023/24 will be the second consecutive year that St Peter's has ended the financial year with an overspend, with no long term plan to bring the budget back into a balanced position.
- 17.5 The low numbers of pupils attending the school and, in the view of the Council, the absence of a credible financial plan that shows the school coming out of deficit means any alternative to closure would need additional financial support from the Council at a time of constrained funding of the Council as a whole.
- 17.6 In the school's formal response to the consultation process the proposals put forward to assist the school to remain open were about mitigating the low pupil numbers, through reducing the PAN, retaining just the nursery provision or relocating specialist provision on the school site. Proposals did not consider how the school would seek to improve levels of parental preference. 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 further in future years and parental preference being a mainstay of government policy.
- 17.7 On 21 February 2024 the school was operating with 69 pupils, making it the smallest primary school in Brighton & Hove. The primary school with the second lowest number of pupils, St Bartholomew's CE Primary School, is also the subject of a proposal for closure on 31 August 2024.
- 17.8 The Portslade planning area in which the school is situated is expected to have over 90 unfilled places and rising in the coming years. St Peter's school has received low levels of parental preferences in recent years.
- 17.9 Irrespective of the financial viability of the school the 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 Peter's Community Primary and Nursery School and that benefits offered by the nursery provision will not be found elsewhere. The Council acknowledges the concerns of parents in this regard, but has sought to address those concerns in the body of this report and with the plans underway to assist with the transition of children into new schools. The majority of the existing children attending the nursery provision are due to move to Reception year in any event, and the council considers that there is sufficient alternative nursery provision in the city for the other children.

- 17.10 The appended Equalities Impact Assessment and this report seeks to capture not only how families and staff with protected characteristics will be likely to be negatively affected by the proposal, but also sets out the measures that the Council will take to address this.
- 17.11 In considering this proposal the Council has been proactive in seeking to put measures in place which will offer the best prospect of a welcoming and effective transition for pupils and their families to other schools in the city which also take pride in operating an inclusive and caring ethos.
- 17.12 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 individual needs of the children, with particular attention for those children with special educational needs, as set out in the report.
- 17.13 If the proposal to close the school is agreed, the Council will engage with the families and staff of St Peter's to make the best alternative arrangements possible and is confident of the commitment of alternative receiving schools to welcome and meet the needs of new pupils, who will add to the vibrancy of the schools they ultimately attend.
- 17.14 The Council has put additional resources in place to provide teams with dedicated time and staff to oversee arrangements, which include the availability of translation services. The Council has clear expectations of receiving schools to engage with families and St Peter's Community Primary and Nursery School to enable pupils to become familiar and be offered some reassurance about their new school in advance of the new academic year. It is likely that there will be some groups of pupils who will select the same alternative school. Pupils currently in Year 6 will not be impacted by this proposal in so far as they will be changing schools and moving on to secondary school in any event.
- 17.15 The proposal is taken in the context of the Council having recently voted to reduce the PAN of other schools, but this alone will be insufficient to address the surplus in school places with the financial consequences for schools the report describes. Whereas nationally in 2022/23 12.3% of primary schools had a negative revenue balance (deficit), the proportion in Brighton & Hove for primary schools in deficit was 40.8%, and 54% of all schools in the city now are in deficit. The position is unsustainable. Should the Council not proceed with proposals to close the school, and with the limitations on Council's adjusting the PAN of other schools, the problems the report describes will not be resolved and it can be reasonably expected that the Council will need to contemplate the closure of alternative schools in the future. This would potentially affect schools with higher numbers of pupils thereby affecting more families than the proposal put forward in this report.
- 17.16 If the recommendations in this report are agreed, a recommendation will be made to Full Council on 4 March 2024 to agree to the closure of St Peter's Community Primary and Nursery School on 31 August 2024.

18. Financial implications

- 18.1 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.
- 18.2 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.
- 18.3 The governing body approved budget plan submitted by St Peter's in summer term 2023 shows the school with an estimated deficit balance of £202,849 at the end of the 2023/24 financial year with no long-term plan to bring the budget back into balance. The school did submit 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 costs including fewer 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 2026/27 financial year still shows a cumulative deficit in the region of £140,000.
- 18.4 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: 21/02/24

19. Legal implications

- 19.1 Section 14 of the Education Act 1996 imposes a duty on the Council to ensure the provision of sufficient schools for the provision of primary and secondary education in its area.
- 19.2 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.

- 19.3 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”), the Council has completed a formal consultation on the proposal, statutory notices have been published and a four week representation period has taken place.
- 19.4 Under the Council’s Constitution, Full Council has reserved decisions on strategic issues relating to school admission arrangements to itself. (Part 3.1.02(a)(ii) of the Constitution). Given the significant nature of this proposal Children Families and Schools committee will make a recommendation to Full Council who will then make the final decision on the proposal on 4 March 2024.
- 19.5 The decision maker must have regard to the statutory decision makers guidance contained in the DfE Guidance referred to in paragraph 8.2 above. This sets out the considerations that should be made by the local when deciding proposals to establish or discontinue (close) a school. In all cases, the decision maker should be satisfied that the proposer has carried out the requirements of the statutory process satisfactorily and should have due regard to all responses received during the representation period. A link to the Guidance is below:
https://assets.publishing.service.gov.uk/media/63d1357ed3bf7f3c44bcd6b9/Opening_and_closing_maintained_schools_Jan_2023.pdf
- 19.6 As the decision maker on the proposal the Council must make the decision within two months of the end of the representation period.
When issuing a decision, the decision maker can:
- reject the proposal;
 - approve the proposal without modification;
 - approve the proposal with such modifications as they think desirable; or
 - approve the proposal, with or without modification, subject to certain conditions being met
- 19.7 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 is important to recognise that a public consultation is not a vote or referendum, but an opportunity to gather a range of insights, views and feedback on proposals before any decisions are made. The Council must make rational, evidence-based decisions, take into account all relevant considerations, act for a proper purpose, and be properly reasoned.
- 19.8 As St Peter’s Community Primary and Nursery School is a community school only the Diocesan Board of Education or the Bishop of any Roman

Catholic diocese can make a referral to the Office of the Schools Adjudicator should the Council make the decision to close the school. Any referral to the Schools Adjudicator must be made within 4 weeks of the date of notification of the decision of the Council.

- 19.9 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: 22/02/2024

20. Equalities implications

- 20.1 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.
- 20.2 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.

- 20.3 Through the consultation and representation period, 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. 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 Peter's Community Primary and Nursery School and the receiving school.
- 20.4 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.
- 20.5 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.
- 20.6 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.
- 20.7 As a result, the Council has identified in the EIA steps that can be taken to mitigate the effects of the school's closure.

21. Sustainability implications

- 21.1 The proposal to close St Peter's Community Primary and Nursery 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 if the distance from home to school increases when children are placed in other schools.
- 21.2 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. The table in Paragraph 12 provides information regarding the distance to alternative schools from all postcodes where current pupils on roll at St Peter's Community Primary and Nursery School live.

- 21.3 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

Appendices

1. Primary School Place Forecast
2. Equalities Impact Assessment
3. Terms of Reference of Transition Board
4. Proposed Closure of St Peter's Community Primary & Nursery School – Children, Families and Skills Committee 22 January 2024
5. Proposed School Closures 2024 – Children, Families and Skills Committee 6 November 2023

Background documents

The responses received via the consultation portal and then representations made during the Statutory Notices period have been made available confidentially to Councillors sitting on the Children, Families and Schools Committee and for Full Council for their consideration.

Date of Birth / school year	School yr in Sept 24	Grand Total all planning areas from 2023 data	pupils likely to want a school place based on 90% of GP reg data	Permanent places in Year R in 2024	Surplus places or shortfall of places	Comparison with 2022 data	
All planning Areas						Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024							
01 September 13 to 31 August 14	6	2,994	2,695				
01 September 14 to 31 August 15	5	2,846	2,561				
01 September 15 to 31 August 16	4	2,834	2,551				
01 September 16 to 31 August 17	3	2,743	2,469				
01 September 17 to 31 August 18	2	2,603	2,343				
01 September 18 to 31 August 19	1	2,435	2,192				
01 September 19 to 31 August 20	R	2,369	2,132	2,610	478	593	-115
01 September 20 to 31 August 21	2025	2,189	1,970	2,610	640	741	-101
01 September 21 to 31 August 22	2026	2,170	1,953	2,610	657	752	-95
01 September 22 to 31 August 23	2027	1,985	1,787	2,610	824		

593
743
753

Date of Birth / school year	School year in Sept 2024	Portslade	Central Hove	West Blatchington and North Hangleton	Central City	Patcham	City East	The Deans	City North	
All planning Areas		1	2	3	4	5	6	7	8	2610
places in each school year from Sept 2024		270	660	90	540	150	450	270	180	
01 September 13 to 31 August 14	6	249	0	0	0	159	0	0	0	409
01 September 14 to 31 August 15	5	260	0	0	0	171	0	0	0	431
01 September 15 to 31 August 16	4	215	0	0	0	171	0	0	0	386
01 September 16 to 31 August 17	3	231	0	0	0	160	0	0	0	392
01 September 17 to 31 August 18	2	224	0	0	0	152	0	0	0	376
01 September 18 to 31 August 19	1	217	0	0	0	123	0	0	0	340
01 September 19 to 31 August 20	R	176	564	79	423	129	429	164	168	2132
01 September 20 to 31 August 21	2025	180	528	54	424	105	388	140	151	1970
01 September 21 to 31 August 22	2026	167	534	69	376	123	372	162	149	1953
01 September 22 to 31 August 23	2027	158	484	53	361	92	367	128	144	1787

Date of Birth / school year	School year in Sept 2024	BN41 1	BN41 2	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Comparison with 2022 data	
1 Portslade		St Peters Primary Benfield Primary St Marys Primary	Brackenbury Primary St Nicolas Primary Mile Oak Primary Peter Gladwin Pri				Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024		90	180	270				
01 September 13 to 31 August 14	6	84	193	277	249			
01 September 14 to 31 August 15	5	85	204	289	260			
01 September 15 to 31 August 16	4	67	172	239	215			
01 September 16 to 31 August 17	3	75	182	257	231			
01 September 17 to 31 August 18	2	84	165	249	224			
01 September 18 to 31 August 19	1	66	175	241	217			
01 September 19 to 31 August 20	R	64	131	195	176	95	87	8
01 September 20 to 31 August 21	2025	64	136	200	180	90	95	-5
01 September 21 to 31 August 22	2026	57	129	186	167	103	109	-6
01 September 22 to 31 August 23	2027	51	124	175	158	113		

Date of Birth / school year	School year in Sept 2024	BN3 1	BN3 2	BN3 3	BN3 4	BN3 5	BN3 6	BN3 7				Comparison with 2022 data	
2 Central Hove		West Hove Infant @ Holland Road Hove Juniors Holland Road Brunswick Primary		St Andrews Primary		West Hove Infant Hove Junior	Cottesmore Primary Bilingual Primary School	Aldrington Primay Goldstone Primary	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024		150		90		120	150	150	660				
01 September 13 to 31 August 14	6	86	49	136	93	167	170	156	857				
01 September 14 to 31 August 15	5	93	36	116	76	136	131	160	748				
01 September 15 to 31 August 16	4	97	42	99	68	154	145	154	759				
01 September 16 to 31 August 17	3	64	42	133	93	124	115	141	712				
01 September 17 to 31 August 18	2	94	39	113	61	149	127	134	717				
01 September 18 to 31 August 19	1	77	38	97	71	120	131	94	628				
01 September 19 to 31 August 20	R	85	32	96	72	132	82	128	627	564	96	130	-34
01 September 20 to 31 August 21	2025	80	32	105	50	118	100	102	587	528	132	174	-42
01 September 21 to 31 August 22	2026	78	39	118	66	122	80	90	593	534	126	143	-17
01 September 22 to 31 August 23	2027	70	38	111	56	112	64	87	538	484	176		

Date of Birth / school year	School year in Sept 2024	BN3 8				Comparison with 2022 data	
3 West Blatchington and North Hangleton		Hangleton Primary West Blatch Prim	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024		90	90				
01 September 13 to 31 August 14	6	141	141				
01 September 14 to 31 August 15	5	128	128				
01 September 15 to 31 August 16	4	123	123				
01 September 16 to 31 August 17	3	96	96				
01 September 17 to 31 August 18	2	107	107				
01 September 18 to 31 August 19	1	102	102				
01 September 19 to 31 August 20	R	88	88	79	11	11	-0
01 September 20 to 31 August 21	2025	60	60	54	36	36	0
01 September 21 to 31 August 22	2026	77	77	69	21	18	3
01 September 22 to 31 August 23	2027	59	59	53	37		

Date of Birth / school year	School year in Sept 2024	BN1 2	BN1 3	BN1 5	BN1 1	BN1 4	BN1 6	BN1 7	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Comparison with 2022 data		
4 Central City			St Mary Mags Prim St Pauls Primary	Stanford Infant Stanford Junior Westdene Primary	Middle Street Primary	St Bartholomews	Downs Infant Downs Junior Balfour Primary St Bernadettes Pri	Hertford Infant Hertford Junior St Josephs Primary				Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
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	≤5	57	210	96	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	185	-68	
01 September 20 to 31 August 21	2025	20	60	99	9	57	145	81	471	424	116	173	-57	
01 September 21 to 31 August 22	2026	28	67	72	7	40	146	58	418	376	164	222	-58	
01 September 22 to 31 August 23	2027	15	60	85	6	61	112	62	401	361	179			

Date of Birth / school year	School year in Sept 2024	BN1 8	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Comparison with 2022 data	
5 Patcham		Patcham Infant Patcham Junior Carden Primary				Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024		150	150				
01 September 13 to 31 August 14	6	177	177	159	-9		
01 September 14 to 31 August 15	5	190	190	171	-21		
01 September 15 to 31 August 16	4	190	190	171	-21		
01 September 16 to 31 August 17	3	178	178	160	-10		
01 September 17 to 31 August 18	2	169	169	152	-2		
01 September 18 to 31 August 19	1	137	137	123	27		
01 September 19 to 31 August 20	R	143	143	129	21	26	-5
01 September 20 to 31 August 21	2025	117	117	105	45	47	-2
01 September 21 to 31 August 22	2026	137	137	123	27	32	-5
01 September 22 to 31 August 23	2027	102	102	92	58		

Date of Birth / school year	School year in Sept 2024	BN2 0	BN2 1	BN2 2	BN2 3	BN2 5	BN2 9	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Comparison with 2022 data		
6 City East		Queens Park Pri St John the Baptist Primary			Elm Grove Primary Fairlight Primary St Martins Primary	St Marks Primary City Academy Whitehawk	Carlton Hill Primary St Lukes Primary				Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen fallen between 2022 and 2023
places in each school year from Sept 2024		90			150	90	120	450					
01 September 13 to 31 August 14	6	56	55	≤5	72	153	133	469					
01 September 14 to 31 August 15	5	45	44	≤5	86	142	127	444					
01 September 15 to 31 August 16	4	61	51	≤5	94	122	129	457					
01 September 16 to 31 August 17	3	57	58	≤5	98	140	141	494					
01 September 17 to 31 August 18	2	46	39	≤5	87	144	133	449					
01 September 18 to 31 August 19	1	42	55	≤5	99	124	131	451					
01 September 19 to 31 August 20	R	53	63	≤5	89	143	129	477	429	21	36	-15	
01 September 20 to 31 August 21	2025	42	46	≤5	94	115	134	431	388	62	55	7	
01 September 21 to 31 August 22	2026	47	51	≤5	84	118	113	413	372	78	85	-7	
01 September 22 to 31 August 23	2027	43	59	≤5	73	125	108	408	367	83			

Date of Birth / school year	School year in Sept 2024	BN2 6	BN2 7	BN2 8				Comparison with 2022 data	
7 The Deans		Rudyard Kipling Pri Woodingdean Prim	Our Lady of Lourdes Pri St Margarets Pri	Saltdean Primary	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen or fallen between 2022 and 2023
places in each school year from Sept 2024		120	60	90	270				
01 September 13 to 31 August 14	6	128	21	99	248				
01 September 14 to 31 August 15	5	126	34	96	256				
01 September 15 to 31 August 16	4	115	38	93	246				
01 September 16 to 31 August 17	3	122	34	82	238				
01 September 17 to 31 August 18	2	108	32	72	212				
01 September 18 to 31 August 19	1	100	26	82	208				
01 September 19 to 31 August 20	R	90	26	66	182	164	106	107	-1
01 September 20 to 31 August 21	2025	85	20	50	155	140	131	134	-4
01 September 21 to 31 August 22	2026	89	30	61	180	162	108	112	-4
01 September 22 to 31 August 23	2027	75	18	49	142	128	142		

Date of Birth / school year	School year in Sept 2024	BN1 9	BN2 4					Comparison with 2022 data	
8 City North		Coldean Primary	Bevendean Primary Coombe Rd Primary Moulsecocomb Prim	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2022 data	Number of surplus places have risen or fallen between 2022 and 2023	
places in each school year from Sept 2024		60	120	180					
01 September 13 to 31 August 14	6	56	159	215					
01 September 14 to 31 August 15	5	58	162	220					
01 September 15 to 31 August 16	4	52	187	239					
01 September 16 to 31 August 17	3	60	178	238					
01 September 17 to 31 August 18	2	56	136	192					
01 September 18 to 31 August 19	1	45	138	183					
01 September 19 to 31 August 20	R	42	145	187	168	12	11	1	
01 September 20 to 31 August 21	2025	35	133	168	151	29	29	-0	
01 September 21 to 31 August 22	2026	37	129	166	149	31	32	-1	
01 September 22 to 31 August 23	2027	27	133	160	144	36			

Equality Impact and Outcome Assessment (EIA)

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age¹³) or use the hyperlinks ('Ctrl' key and left click).

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Proposed Closure of St Peter's Community Primary and Nursery School	ID No.⁶	FCL-103-Jan-24-EIA-StPetersSchoolClosure
Team/Department⁷	Families, Children & Learning – Education & Skills		
Focus of EIA⁸	<p>In response to the fall in pupil numbers in the city the Council is proposing the closure of 2 schools along with reduction in Published Admission Number of 6 other schools. A total reduction of 240 places.</p> <p>This EIA is focussed on the proposed closure of St Peter's Community Primary and Nursery School, and the impact on the cohorts of children between the age of 3-11 years old who will be affected by the closures. The EIA will also cover some factors potentially affecting staff at the school.</p> <p>A public consultation process has taken place (from 7 November 2023 to 22 December 2023) and the results of the views of other admission authorities, adjoining neighbouring local authorities, schools' governing bodies, parents of children and any other people interested in the proposals have been gathered and inform this EIA document. Where the data for this consultation has been provided, the effects of the closures on any impacted groups have been reflected in this EIA.</p>		

On 22 January 2024 Children, Families and Schools committee considered the consultation feedback and agreed to publish statutory notices. The statutory notice was published on 23 January 2024. Following the publication of notices, a 4 week representation period ran from 23 January 2024 until 20 February 2024, during which interested parties could make further comment on the proposals. Representations made during that period are reflected on below, alongside comments received during the public consultation period.

This EIA is looking at the impacts of the proposed closures to ensure that groups affected have been considered fairly and to help inform decision making. This document takes account of the Government's updates guidance on the [Public Sector Equality Duty](#) that outlines the purpose of an EIA and states:

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.

3. Review of information, equality analysis and potential actions

Groups to assess	What do you know ⁹ ? Summary of data about your service-users and/or staff	What do people tell you ¹⁰ ? Summary of service-user and/or staff feedback	What does this mean ¹¹ ? Impacts identified from data and feedback (actual and potential)	What can you do ¹² ? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age ¹³	<p>The proposal will primarily impact on primary school age children who currently attend the school or may have wished to attend the school, these will be children currently born between 1/9/2018 and 31/08/2014.</p> <p>Proposals will affect parents of children born between 1/09/2019 and 31/08/2020 who are due to start school in September 2024 and those born between 1/09/2020 and 31/08/2022 who would be due to start the nursery.</p> <p>St Peter's school received 11 pupils allocated on National Offer Day to start reception in Sept 2023, 22 pupils to start reception in Sept 2022 and 13 pupils to start reception in Sept 2021.</p> <p>Whilst likely impacted by the timing of initial consultation, the school received a low</p>	<p>Regarding adults, the initial consultation on school closures received 467 responses of which there were 313 responses in relation to St Peter's, through the consultation portal. 53.7% of responders provided their age with the youngest being 18 and the oldest over 75.</p> <p>Out of these responses provided 11% were under 30. 32% were aged between 30-39; 35% aged between 40-49; 15% were aged between 50-59 and 7% were 60 or older.</p> <p>The 125 responses to the statutory notice period represented a similar age profile.</p> <p>A number of parents with siblings attending</p>	<p>Regarding adults, respondents to the initial consultation aged between 30 and 59 accounted for about 82% of the responses.</p> <p>Children in Year 5 may be disproportionately affected by having to move school for Sept 24. Children currently attending the school will be affected by having to start a new primary school.</p> <p>Younger children may find settling into a new school more challenging than older children.</p> <p>Children currently in the nursery who are moving to Reception in September 24 will no longer have St Peter's school as an option and</p>	<p>Ensure that vulnerable children who would be particularly affected by moving schools are identified and supported with the change of schools. Appropriate support provided by Brighton & Hove Inclusion Support Services (BHISS) and Schools Mental Health Service to assist with the transition for identified pupils. The Council is operating a Transition Board and individual action plans may be appropriate for certain children.</p> <p>The Transition Board is setting up a 'Team around the School', which will bring together a professional network around the needs and strengths of each child identified by the</p>

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	<p>number of preferences for starting school in September 2024.</p> <p>These proposals will have a disproportionate impact on children in the current Year 5 as they will have to move to a new school for Year 6 and then secondary school in Year 7 consequently attending 3 different schools in 3 years.</p> <p>Children in the current Reception class will have only in September settled into schooling and may find the transition to a new school difficult.</p> <p>St Peter's School has a teacher led nursery provision attached which would be lost if the school closes. In February 2024 there are 27 children on roll. The majority of which are due to start school in September 2024. There are a small number</p>	<p>the school in different year groups have raised concerns about all siblings attending the same new school and perceived lack of available places at alternative local schools.</p> <p>Concern about loss of affordable nursery provision and longer hours availability.</p> <p>The consultation responses indicated the benefits of the nursery provision at the school being teacher led, affordable and offered for hours that supported working parents. Of the children enrolled in the nursery in January 2024 eight are of working parents - two of these take their extended entitlement in another setting, not at the school.</p>	<p>may need to look elsewhere.</p>	<p>Council's Vulnerability Index tool (used to support pupil transition from one school to another) as a priority.</p> <p>Receiving schools to be made aware of impact of transition on these groups of children so appropriate support can be provided.</p> <p>Council's school admission team to be aware of the issue with siblings and to work with families to facilitate them attending the same school where possible.</p> <p>School admissions team are communicating with families who have expressed a preference for St Peter's for Reception in September to ensure they know about the closure proposal and can seek</p>

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	<p>who will require a new nursery place.</p> <p>Staff who are close to retirement age may find new employment difficult to gain.</p> <p>The age profile of staff in January 2024 was: Age 21 - 30 = 10% 31 - 40 = 27.5% 41 - 50 = 27.5% 51 - 60 = 35%</p>	<p>The nursery provided children who moved on to the school a good start in their education and families wanted younger siblings to experience what their other children experienced.</p>		<p>alternative preferences should they wish to.</p> <p>Those who cannot apply for a school place online can contact the school admissions team for support.</p> <p>We can ensure there is a school place available for each child in each chronological year group. The school admissions team is available to work with families to meet their preferences.</p> <p>We can ensure there is information about nursery places available for anyone displaced from St Peter's for those children who started at the nursery in January 2024 or any further new starters who are not due to start school in September 2024. Family Hubs and the early</p>

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				years team will support families to find early years provision which meets their needs throughout the city. Our 2023 Childcare Sufficiency Assessment did not find a shortage of early years places overall.
Disability¹⁴	<p>Children with Special Educational Needs and Disabilities (SEND) who have an Education, Health & Care Plan (EHCP) would be placed in school under the SEND code of Practice by the SEN team.</p> <p>From the October 2023 School census St Peter's had 24 students receiving additional educational support.</p> <p>As at February 2024 there are 8 pupils with an Education Health and Care Plan (EHCP); 2 of those are currently in Year 6. 4 of these</p>	<p>Regarding adults, from the responses through the consultation portal to the initial consultation period, 11% who provided an answer identified as having a disability. 76% did not consider themselves to have a disability and 13% preferred not to say.</p> <p>All but one responder who stated that they had a disability strongly disagreed with the proposal to close the school.</p>	<p>Children with EHCPs will be supported with their school moves. This will ensure that the school that they are moving to will be able to provide the provision identified in their EHCPs and that the school will have the relevant accessibility and adaptability requirements in place so that their access to suitable education is not harmed by the move in location.</p> <p>There may be some need to adapt physical</p>	<p>Schools will be encouraged to identify families who need additional support to secure a new school place.</p> <p>There needs to be sufficient school places within a reasonable distance of families including those families who have someone with a disability living with them.</p> <p>As part of the wider work overseen by the transition board, BHSS & the SEN Team will</p>

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	<p>pupils live in Brighton and Hove. One child with an EHCP has already left for a West Sussex school.</p> <p>There is no data available about the number of children at the schools whose parents have a disability.</p> <p>Identifying details on the profile of staff's disabilities relies on staff entering information into the Council's management information system and must be treated as sensitive data. During the staff consultation period a personal 1:1 discussion is available to all staff members, where individual circumstances can be discussed.</p> <p>The school has an Education Mental Health Practitioner, and access to Schools Mental Health Service.</p>	<p>There will be an impact on neurodiverse pupils if they must move schools due to change presenting additional challenges to some of these pupils.</p> <p>Respondents to both consultations felt that small class sizes meant pupils received the attention and support that respondents felt would not be possible in a large class.</p> <p>We heard from families who were concerned about their physical ability to walk further distances to a new school. Families expressed concerns about other schools being able to meet need.</p> <p>We heard from families who have caring responsibilities for other adults in their</p>	<p>environments to cater for disabilities and many schools in the city have experience of doing so.</p> <p>Staff with disabilities may need additional support to apply for new roles and this will be considered as part of the staff consultation process.</p> <p>Consideration under the council's transport policy will be given to those parents/carers with disabled children or who have a disability themselves may not be able to travel a distance to take their child to a school place.</p> <p>Some parents have chosen to send their children to these schools due to their small size however the number of pupils at the school has contributed</p>	<p>provide support for children with EHCPs to ensure that they move to an appropriate school that can meet their identified needs arising from disability.</p> <p>The council will support parents to identify schools which they feel are able to meet their children's needs.</p> <p>We will look to meet the access requirements of pupils by ensuring that any funding for supporting SEND pupils left at the end of the school year will follow the children to their new school.</p> <p>All children with EHCPs that need an annual review will have one.</p> <p>All children currently in the process of an EHC assessment will have</p>

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		<p>households, restricting their ability to take more time to travel to other schools.</p> <p>We've heard from families that the process of proposal and of consultation has exacerbated existing conditions, e.g. anxiety, and created new concerns. The representation period following publication of Statutory Notices provoked further frustration, and exhaustion in the process.</p>	<p>to the reason for the proposals for them to close because most of the funding a school receives is on a per pupil basis and means small classes are not financially viable on the funding provided by the government.</p> <p>We recognise that this proposal may mean the need for additional support services for children with additional needs due to this being a significant change in their circumstances.</p>	<p>their assessment completed as usual.</p> <p>All B&H mainstream schools should be able to meet needs of children without EHCPs, albeit sometimes with additional support or resources.</p> <p>The Council will continue to set out its expectations to other schools in the city on this matter and ensure new children are received with welcome.</p> <p>Families with disabilities who may need assistance with travel will be able to apply for transport assistance, subject to the Council's criteria.</p> <p>See cumulative section for more on the transition support available.</p>

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Gender reassignment¹⁵	<p>We have not yet identified any disproportionate impacts on this group because the data available about parents/children's gender reassignment is inconclusive.</p> <p>We know that parents/carers may not want to disclose information about gender reassignment for reasons such as the perceive lack of support, fear of discrimination, personal choice.</p>	<p>Schools in the city work closely with Allsorts to understand the complex needs of gender diverse children and young people.</p> <p>4 responses to the initial consultation were received from those who did not identify as the sex they were assigned at birth.</p> <p>The issue of the impact upon children with this protected characteristic has not been raised as part of the anonymous consultation process.</p>	<p>All schools in Brighton and Hove are invited to refer to the detailed guidance provided by the City Council known as the Trans Toolkit, and parents and children can be signposted to voluntary organisations who specialise in supporting families of children who are transitioning or questioning their gender.</p>	<p>A package of support is provided to the schools via Brighton & Hove's Trans Toolkit, which will be used to identify and meet the individual needs of children and young people.</p> <p>If individuals indicate that they need further support and assistance, then they will be signposted to the relevant support or community group that they can contact for additional assistance.</p> <p>If this characteristic is identified as an issue when considering a transfer to a new school by a pupil the council can assist to ensure that every situation is dealt with compassionately and fairly and that bespoke assistance is available if individuals request this.</p>

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Pregnancy and maternity¹⁶	<p>We do not hold data about pregnancies of the parents/carers in the cohorts of pupils that are affected by the closure.</p> <p>However, we are aware that parents/carers may be in situations where they are on maternity/paternity leave or caring for younger children and may not have time or energy to engage with a school closure consultation or representation period and the issues associated with it.</p> <p>In the Census 2021 it was revealed that Brighton & Hove's population profile had fewer children & young people aged 0 to 19 (20.5%) compared to the South East (23.1%) and England (23.1%). There was a 22% drop in children aged 0-4 living in the city in the 2021 census compared to the 2011 census.</p>	<p>Parents who are pregnant or on maternity leave may find it difficult to get older children to school.</p> <p>Staff on maternity leave would need to be involved in a redundancy consultation.</p> <p>Families have reported concerns about travelling to a new school with young pre-school children or when pregnant.</p>	<p>There needs to be sufficient places within a reasonable distance from families where there is a pregnant adult or an adult on maternity leave.</p> <p>Pregnant people could find it harder to access different school communities which are distances from their home.</p> <p>Pregnant staff may need additional support from their employer during closure process and redeployment.</p> <p>Staff on maternity leave would need to be involved in the redundancy consultation. We will take this into account and ensure that every situation is dealt with compassionately and fairly and that bespoke</p>	<p>Consideration needs to be given to ensuring that there are enough school places within a reasonable distance from families where there is a pregnant adult or an adult on maternity leave.</p> <p>We will work with the schools to accommodate any bespoke needs and provide support to all those where we are aware that their circumstances mean that they require additional support.</p> <p>HR advice can be provided for pregnant school staff and their individual circumstances can be discussed as part of the staff consultation process.</p>

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	<p>Future or newborn children could be affected with an older sibling changing school as it could affect where they go to school and may impact on parents' decisions about which schools to apply for.</p> <p>Staff who are new parents may find it difficult to get flexible working arrangements agreed at a new school.</p>		assistance is available for any individuals where this could be a problem.	The risk assessment tool is available to support pregnant staff.
Race/ethnicity¹⁷ Including migrants, refugees and asylum seekers	<p>The data available for pre-school pupils indicates an increasing percentage of Black and Racially Minoritised children for the city in general.</p> <p>There is no comprehensive race/ethnicity data available for the cohort due to start school in September 2024.</p> <p>In January 2023, 30% (9,469) of pupils in Brighton & Hove schools who supplied their data identified as an ethnicity category other than White British. This is an increase of</p>	Regarding adults, from the initial public consultation, 19.5% of those who responded by providing details identified as other than white British and 80.5% identified as white British. 118 respondents did not answer this question or did not want to specify their ethnicity and therefore this is a substantial proportion of the 300+ responses to this proposal.	<p>In some allocation years a higher percentage of pupils from Black and Racially Minoritised communities apply late or are directed to a school that was not a preference.</p> <p>Interested parties from other race/ethnic groups could find it harder to access community resources in the new school area and could experience discrimination.</p>	<p>Offer proactive support to ensure all families can understand the need and be supported to apply for a school place by Easter break to ensure they are allocated new school places for September, by way of the measures identified below</p> <p>Important to ensure that there are sufficient surplus places in local schools for any late applicants for a new school place. Those</p>

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	<p>377 pupils since January 2022. The national figure is higher, at 34.5% of pupils. The January 2024 data is not yet available but will be updated in this document when available.</p> <p>Previously, 33% of late school applications were submitted by Black and Racially Minoritised families and for a further 19% there is no ethnicity information.</p> <p>Previously, 76.4% of Black or Racially Minoritised families who applied received their first preference school compared to 82% of white British families.</p> <p>In January 2023 St Peter's had 31.3% of pupils identified as Black or Racially Minoritised.</p> <p>Whilst we do not hold exact figures we are informed that there are a number of families with pupils attending</p>	<p>In response to the publication of the statutory notices, 125 comments were received via the Council's consultation portal. 38% of which were from white British responders, and 41% did not answer the question.</p> <p>Feedback from EMAS in relation to admissions consultations indicates that parents from Minority Ethnic groups who speak English as an Additional Language find consultation confusing even with translation or interpreting assistance. Understanding the weight of impact of the proposals and relevance to their situation is very challenging to assess for them.</p> <p>Regarding adults, there were no requests for</p>	<p>It could be that migrant/refugee families attending the school and the subsequent community built around the school may be their first experience of community in this country. There may be added fear in having to start again after already having to start again in a new country. The added impact of having to move school could have a wider impact on those who have already come to this country in difficult circumstances.</p> <p>The sense of community some have found at St Peter's is at risk by this proposal and the dispersal of students to other schools.</p> <p>Children who have experienced racism may need additional support</p>	<p>schools will need to ensure they offer a welcoming and understanding approach to Black or Racially Minoritised families, including those families where English is not their first language, or families with experience of trauma which has required them to seek asylum.</p> <p>Future school age children need to have enough places available.</p> <p>Continue to advertise the admissions dates and the process that families need to follow.</p> <p>Provide language support for families that need to apply for a new school place should the school close.</p>

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	<p>St Peter's who are migrants/refugees, and are therefore likely to already have experienced trauma and significant change and upheaval in their lives.</p> <p>Families from a Black or Racially Minoritised background may have experienced previous trauma and / or racism – upset around this may have been reignited by these proposals and by needing to move school e.g. those who have settled in the UK as asylum seekers.</p>	<p>consultation documentation in alternative formats however some translated materials were provided in liaison with the school.</p>	<p>to settle into a new school.</p> <p>Children's academic outcomes may be impacted as a result of previous experiences of racism, upheaval of schooling situation and other cumulative factors discussed in the cumulative impact section.</p>	<p>EMAS service to continue to reach out to communities to communicate the potential impact on their community and signpost to resources which will support families.</p> <p>An interpreter can be sourced upon receiving confirmation and consent from those who would need it.</p> <p>Ensure that any new school that pupils will move to have the appropriate cultural provisions for that family in place (i.e. multi-faith rooms, dietary requirements etc.).</p> <p>If children or parents/carers indicate that they are experiencing discrimination, there will be signposting in place to ensure that they have</p>

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				<p>the relevant support that they need or access to a relevant discriminatory community group that they can contact for assistance.</p> <p>Strong message from the Council to Headteachers in the city about receiving and welcoming displaced pupils. Some pupils will have already experienced upheaval and trauma in their lives as a result of their families having to seek asylum from their parent's country of origin. These pupils and families may need additional support and reassurance to transition to a new school or feel confident that there are other schools in the city which will welcome or understand the needs of their children. Part of the role of the Transition</p>

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				<p>Board indicated below is to promote receiving schools to consider how best to address this, and to ensure families are offered the information and assistance they need to be reassured about their child’s future education and school experience.</p> <p>Current schools and EMAS to continue supporting migrant/refugee families to understand the implications of the decision, to assist families to apply for a suitable new school place and work with the new schools to support the transition. The continuation of working with this service will offer families a degree of continuity in the support they receive to manage any transition to a new school or a</p>

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				<p>change in plan as to the school they will apply for. EMAS will be expected to assist parents advocate for what their children need to maximise their educational opportunities going forward.</p> <p>The Council is operating a Transition Board and individual action plans may be appropriate for certain children.</p> <p>Anti-Racist Education Strategy" that is now in its third year. There includes a comprehensive package of training and support available for schools. Where a school has not engaged yet in the full training offer, we can be proactive in offering this as a priority for all staff and provide additional support from our</p>

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				<p>seconded team of teachers to ensure each setting is taking appropriate steps. Whilst we are not complacent, many of the schools well placed to take children are already engaging with the strategy and will have a foundation of knowledge and practice upon which we can build.</p> <p>All schools are expected to deliver a rich curriculum suitable to all pupils who attend the school. Schools are expected to celebrate the experiences of families in the city and from other areas. We expect the schools to demonstrate understanding of lived experiences of migrants and asylum seekers, and we are committed to supporting schools in further developing their</p>

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				<p>understanding and making reasonable adjustments to ensure curriculum is accessible to all.</p> <p>See cumulative section below for further detail on transition support.</p>
Families with English as additional language	<p>In January 2024, 15.8% (4,884) of Brighton & Hove pupils were exposed to a language other than English in their home. This is an increase since January 2023.</p> <p>In January 2024, St Peter's Community Primary and Nursery School had 38.5% of pupils where English is an additional language and families speaking 16 different languages.</p> <p>There is relatively high deprivation amongst many of the families with English as additional language who have pupils attending these schools.</p>	<p>Based on previous experiences and the technicality of the subject matter, families with English as an additional language may struggle to understand admission arrangements in the city and the provision available in a new school and the process of closure.</p> <p>There will be a disproportionately high number of pupils with additional languages impacted by a school move.</p>	<p>Families with pupils who have English as an additional language are proportionally more likely to apply late which significantly reduces their change of being offered a place at an oversubscribed school.</p> <p>The higher number of families with English as an additional language applying late in the main admission rounds could result in these families not applying for a new school place. This will mean that a new school will be allocated to these</p>	<p>Ensure good support is provided to enable families to apply for school places.</p> <p>Important to ensure that there are still surplus places in each planning area so late applicants and pupils moving mid-year can be offered a place at a local school.</p> <p>Greater emphasis needs to be made to reach these families and make them aware of the school admissions applications process.</p>

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	<p>During the initial consultation period EMAS have directly supported three Bengali, one Polish, one Brazilian Portuguese, one Ukrainian and three Arabic speaking families to understand and send in responses to the consultation. EMAS also supported two Black African parents who are English speakers to register their children for reception in September.</p> <p>During the statutory notice period and beyond EMAS continue to support families to understand the process and what it means for their family and children. EMAS have liaised with SEN Caseworkers for children with EHCPs.</p>	<p>Families with English as an additional language also have a number of intersectional vulnerabilities.</p>	<p>pupils which may not be the parent's preference.</p> <p>Families may not comprehend the implication of the proposals or which year they take effect and be able to relate this to their own circumstances.</p> <p>Families with English as an additional language could find it harder to respond to the various stages of the consultation and then the allocation process.</p> <p>Children may struggle to settle into a new school, especially if their parent have EAL – becoming part of the new school community may prove difficult for some.</p> <p>Interested parties from other race/ethnic groups could find it harder to</p>	<p>This group may be unfamiliar with the school admissions process and timescale, so additional steps have been taken to engage these families with these consultations and that will continue with the admissions and transitions work.</p> <p>EMAS already work within both schools and support a number of families in each. The service will continue to support these and other families through the process of moving schools.</p> <p>The Council is operating a Transition Board and individual action plans may be appropriate for certain children.</p> <p>An interpreter can be sourced upon receiving confirmation and</p>

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			<p>access community resources in the new school area and could experience discrimination.</p> <p>It could be that migrant/refugee families attending the school and the subsequent community built around the school may be their first experience of community in this country. There may be added fear in having to start again after already having to start again in a new country. The added impact of having to move school could have a wider impact on those who have already come to this country in difficult circumstances.</p> <p>The sense of community some have found at St Peter's is at risk by this proposal and the</p>	<p>consent from those who would need it.</p> <p>Challenge from the Council to schools to ensure an appropriate welcome for children starting at a new school.</p> <p>Further steps were taken to translate documents relating to the statutory notice process and ensure materials online can be translated using a webservice.</p> <p>See cumulative section below for further detail on transition support.</p>

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			<p>dispersal of students to other schools.</p> <p>Children who have experienced racism may need additional support to settle into a new school.</p> <p>Children's academic outcomes may be impacted.</p>	
Religion or belief¹⁸	<p>There are only Church of England and Catholic faith schools within the city. These schools can prioritise children of the faith above other children.</p> <p>In October 2023, 22.5% of primary school pupils in Brighton & Hove attend a church aided school and 77.5% attend a secular school.</p> <p>This proposal is about closing a community school and the next nearest school in the city is a Catholic school. This proposal reduces the amount</p>	<p>There is little information on this. Some parents will seek a secular education for their child whilst others will want their children taught in line with their religious belief.</p> <p>Regarding adults, 74% of responders to the initial consultation indicated they have no particular religious belief, did not answer the question or preferred not to say.</p>	<p>Some parents/carers will want there to be church school provision so that they can achieve their preference for their child's education.</p> <p>Some parents/carers will not want to access a religious curriculum and will want to have access to a provision that supports a secular delivery of education.</p> <p>Some families may have to travel further to gain a place at a school that is suitable for their needs.</p>	<p>The council will need to ensure that there are sufficient secular and church school places available for pupils who require one within a reasonable distance of the school.</p> <p>When looking at the timetable for closure, consideration will be given to observance of religious days of significance to ensure that there is enough time outside of these to ensure parents/carers are able to engage in</p>

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	<p>of secular education available in the city.</p> <p>22% of first preference applications for September 2023 were for church aided schools and 78% expressed a first preference for secular schools.</p> <p>There is no data available on the religion/beliefs of parents or pupils attending this school.</p>	<p>94% of responders who stated they were Christian tended to or strongly disagreed with the proposals. Which is relevant when consideration is given to the next nearest south Portslade schools being a church school.</p> <p>During the statutory notice period, 30% of responders said they had no religion and 42% said they preferred not to say.</p> <p>Some families do not want their child to attend a faith school and are concerned about losing secular places</p>		any necessary processes.
Sex/Gender¹⁹	There are no single sex, maintained schools in the city. Admission arrangements do not take into consideration the gender of the child.	Regarding adults, 51% of responses to the initial consultation were submitted by females and 13% by males. 35% did not answer or preferred not to say.	Families could find it harder to access community resources in the new school area and could experience discrimination.	If we are aware of any circumstances where individuals need support, we will ensure that this group is supported and that the school is also supported

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	<p>In January 2024 St Peter's had 62% female pupils and 38% male pupils.</p> <p>We are aware that parents/carers may be in situations where they are on maternity/paternity leave, are single parent families, and/or from same sex or non-binary families. This doesn't directly impact on school admissions arrangements.</p> <p>Most roles at risk at the school will be filled by women.</p> <p>Additional burdens due to the cost of living could have disproportionate impacts on women due to the nature of their employment types and barriers to employment for those with sole childcare responsibilities.</p> <p>Women are more likely to take on childcare responsibilities so may be impacted by further school</p>	<p>Regarding the statutory notice period, 47 of the 125 responses were submitted by female and 8 by males for where people indicated their gender.</p> <p>We've primarily heard from women throughout the consultation where issues have been raised about childcare and concerns about travelling to another school. We have heard from some families where the childcare provider parent does not have access to the family car during the school day. We've also heard concerns about the potential for parents/carers to gain employment instability by the proposed changes to children's school or nursery placement changes.</p>	<p>This proposal could impact on women, with pre-school children, ability to seek employment.</p>	<p>in using the school's trans toolkit.</p> <p>If children or parents/carers indicate that they are experiencing discrimination, there will be signposting in place to ensure that they have the relevant support that they need or access to a relevant discriminatory community group that they can contact for additional assistance.</p> <p>Assistance with transport will be provided in line with our policy.</p> <p>We will work with the schools to accommodate any bespoke needs and provide support to all those where we are aware that their circumstances mean</p>

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	<p>journeys, reducing their employment options. The closure of the nursery provision may impact on women's opportunity to seek employment.</p> <p>There may be children that identify as non-binary who may have additional needs.</p>			that they require additional support.
Sexual orientation²⁰	We have not yet identified any disproportionate impacts on this group because the data available about parents/children's sexual orientation is inconclusive.	Regarding adults, 69% of the 226 respondents to the initial consultation who provided details on their sexual orientation were submitted by heterosexual respondents. 7% by gay/lesbian or bisexual respondents. 24% did not answer or preferred not to say.	We are not aware of any identified disproportionate impacts because the data is not available. However, we are aware that discrimination against sexual orientation remains a prevalent issue.	<p>If we are aware of any circumstances where individuals need support, we will ensure that this group is supported and that the school is also supported in guiding people through to resources and signposting support.</p> <p>Voluntary sector organisations are available for support for children and families regarding their sexual orientation in the city.</p> <p>Redeployment of the school staff must not take this into account.</p>

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Marriage and civil partnership²¹	We have not yet identified any disproportionate impacts on this group because the data available about parent/carer marital or civil partnership status is inconclusive.	No data is collected on this matter in relation to parents/carers. This did not come up as an issue or consideration in the consultation.	There may be discrimination around civil partnerships and gay marriages and families may find it harder to access community resources in the new school area and could experience discrimination.	If we are aware of any circumstances where individuals need support, we will ensure that this group is supported and that the school is also supported in guiding people through to resources and signposting support.
Community Cohesion²²	<p>In January 2024 we reported St Peter's Community Primary and Nursery School had 1% of pupils within the 10% most deprived areas of Britain and 33% of pupils within the 20% most deprived areas of Britain.</p> <p>The schools with available spaces for these pupils to move to could be serving different communities in this country.</p> <p>Migrant/refugee families attending the school and the subsequent community built around the school may be their first experience of community in this country.</p>	<p>House prices surrounding popular schools can be inflated, due to increased demand on accommodation close to popular schools.</p> <p>Parents from some socio-economic groups are better able to use resources available to them to support change e.g. with travel or moving house.</p> <p>The school will no longer be available as a community resource such as the school hall</p>	<p>Can have an implication on the pupils offered a place at these schools as families who cannot afford to move close to oversubscribed schools are unable to obtain a place there.</p> <p>Classroom and school dynamics may change with new arrivals.</p> <p>Pupils may be negatively impacted by a loss of friendships and support networks.</p> <p>Some families may struggle with informal childcare e.g. relying on</p>	<p>As above the Council can work proactively with other Headteachers and governing bodies about welcoming pupils to new schools. Especially where there are places available.</p> <p>Support needed for class teachers to manage an additional influx of children mid-year or at the start of September 2024.</p> <p>Current schools and EMAS to continue supporting migrant/refugee families to understand the</p>

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	<p>There may be added fear in having to start again after already having to start again in a new country. The added impact of having to move school could have a wider impact on those who have already come to this country in difficult circumstances.</p> <p>High numbers of SEN children being dispersed from St Peter's.</p> <p>A high proportion of families attending the school live in the West Sussex area.</p>	<p>being used for community activities.</p> <p>We've heard much about the air raid shelters at the school – these are a valued community resource/landmark. As well as the historic and fond feelings toward the school building within the local community.</p> <p>Families and other responders to the consultations have reported a sense of south Portslade (where the school is located) being different to other parts of the local area.</p> <p>Concern has been raised about the nature of the journey to other schools and the need to cross what are perceived to be dangerous and large roads.</p>	<p>friends and family members with children at the same school.</p>	<p>implications of the decision, to assist families to apply for a suitable new school place and work with the new schools to support the transition.</p> <p>Schools may need to seek additional advice, support and guidance around the intake of children with needs and experiences the receiving have had little or no experience in.</p> <p>See cumulative section below for more details on transition support.</p>

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		Some families living in the community may not be in receipt on public funds and are reliant upon the support offered and signposted of the school.		
Children in Care and Care Experienced Young People	<p>That Children in Care and Care Experienced Young People are likely to face discrimination.</p> <p>In the city, there are approximately (the data can change regularly) 332 children and young people in care, and 381 children and young people previously in care.</p> <p>41% of 19-21 year old care leavers are not in education, employment or training, compared to 12% of other young people the same age.</p> <p>There are approximately 66% with SEND and 35% have an EHCP, compared to 12% of the general</p>	<p>Brighton & Hove City Council have adopted Children in Care and Care Experienced Young People as a protected characteristic. As Corporate Parent, there is a collective responsibility and demonstrable commitment to ensure that children and young people with care experience are enabled to have the same opportunities as any other child or young person.</p> <p>5% of responders to the initial consultation who provided information have been a Child in</p>	<p>We need to ensure that the profile of children and young people accessing school places are not discriminated against and have the opportunity to access school provision.</p> <p>We recognise that care experienced children are likely to have experienced trauma and this process could reignite those negative feelings.</p> <p>It can be expected that parents who were themselves care experienced may also re-experience the</p>	<p>Brighton & Hove City Council have adopted Children in Care and Care Experienced as a protected characteristic.</p> <p>Children in care and previously looked after children have the top admission priority when applying for school places.</p> <p>The virtual school has a responsibility to support children in care and those known to a social worker. Support will be provided to any relevant child displaced from St Peter's and to the school that they will be attending.</p>

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	<p>population. 50% of children and young people in care have a diagnosable mental health condition.</p> <p>At January 2024, St Peter's have 2 children with a social worker, both on Children in Need plans. None are currently in care. It is not known whether any parents of children attending the school or likely to have chosen the school are care leavers.</p>	<p>Care or Care Experienced Young person. 85% had not and 10% preferred not to say.</p>	<p>trauma that was present earlier in their lives.</p>	
Cumulative impact²³	<p>The initial public consultation ran between 7 November 2023 and 22 December 2023. There were 5 public meetings and 313 responses to the online consultation were received. In addition, there were 15 direct responses to the council's school organisation email account about the proposals.</p>	<p>We've heard from families who have reported they will be negatively impacted and disadvantaged by the closure of the school.</p>	<p>With approximately 100+ pupils on roll at the school in October 2023 and the staffing levels in the school it can be expected that 313 responses were a proportionate response to the initial consultation process compared to the overall number of people affected and that</p>	<p>If we are aware of any circumstances where individuals need support, we will ensure that this group is supported and that the school is also supported in guiding people through to resources and signposting support.</p> <p>Where there are multi layered impacts, we are</p>

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	<p>Approximately 150 people attended the four non-specific public meetings, not including Council officers or the core school leadership.</p> <p>That number will include some repeat attenders and some school staff and governors.</p> <p>The Council also received letters and comment from children who attend the school.</p> <p>There were 125 responses made via the Council's consultation portal to the statutory notice period.</p> <p>A range of steps were taken to enable people to engage with the consultation process. Information from the online consultation events was available after the events. Translated materials was made available to the school to support families to make</p>		<p>results are therefore reliable.</p> <p>Families may fear discrimination throughout the application process to secure a new school place and transition to the new school.</p> <p>A school move for those who have added socio-economic issues and those arising from a history of discrimination or needing to seek asylum may add an extra layer of stress to those families.</p> <p>Families may continue to experience re-traumatising with this closure.</p> <p>Children and families are worried that they may not receive the same support in a new setting.</p>	<p>willing to assess this on a case-by-case basis with bespoke resources and support to address these barriers.</p> <p>As above, we have formed a transition board meeting regularly to consider individual, collective and intersection needs arising from planned transition activity. This will include SEN, Inclusion Support, EMAS, School Admissions, and the Schools Mental Health Service and individual action plans may be appropriate for certain children.</p> <p>The Transition Board are committed to developing their understanding of how the intersecting protected characteristics of pupils and families</p>

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	<p>responses to the statutory notice period.</p> <p>We know there are a number of families with a number of intersectional characteristics who will be affected by these proposals. The change to the established schooling and community support offered at St Peter's will affect families with children at the school.</p> <p>We are aware that there will be people who may be impacted because of multiple protected characteristics.</p> <p>Multi layered impacts on certain people may exist which could severely impact their ability, desire, or access to engage with both the consultation and any future engagement around school closures and applying for new school places.</p> <p>The lived experience of many families may mean they may not want to engage not have</p>		<p>We recognise the feeling of loss that a long established and well-loved school closure brings to a community.</p>	<p>may impact their experience of moving schools, and using this understanding to provide bespoke support.</p> <p>We have additional funding agreed with the LA for these support services.</p> <p>Pupil led funding allocations will divert to the receiving schools on the closure of St Peter's.</p> <p>The Council will work with schools who receive pupils from St Peter's Community Primary and Nursery School to develop their school travel plans to seek to mitigate against the need for increased car use.</p>

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	time or energy to engage with a school closure and the issues associated with it.			

Assessment of overall impacts and any further recommendations²⁴

Reducing the number of surplus school places is necessary to safeguard the broad range of schools in the city and to reduce the risk of financial difficulties as pupil numbers continue to reduce. The proposed closures are part of this strategy along with reducing the PANs of larger schools. Without a reduction in school places there is the real possibility that some schools become unable to operate in a financially efficient way with implications for the quality of education provided and the council's own budget.

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.

Pupils currently attending this school will need to apply for and move to a new school by September 2024. Support and understanding will be needed for many of the groups with protected characteristics in order to ensure that they understand the processes in order to secure a new school place that is suitable for the family's requirements.

Staff will be at risk of being made redundant and may need to seek alternative employment. Where staff are impacted due to protected characteristics, the employer will need to ensure additional steps and support are taken where necessary. Some staff have had long associations with the school and may therefore be disproportionately affected by the decision to close the school.

We have also heard from families about their concerns about their own employment stability if their child's school or nursery provision needs to change.

Every person across all protected characteristics is likely to be negatively impacted by the closures and requirement to move schools due to the emotional toll, mental toll and upheaval involved. This will be more severe for certain groups of people on top of the protected characteristics already assessed. Some families and staff affected will have more than one protected characteristic and the additional

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<p>stress for them needs to be recognised. We recognise the impact of children and families having intersection vulnerabilities and the use of the Council's vulnerability index tool will be one of the ways in which we'll understand and address this.</p> <p>The schools and staff will need to be supported to identify families and children requiring additional help with this transition process and for these children to be able to move to a new school which can support them appropriately. This is particularly relevant where English is an additional language and for Black and Racially Minoritised global majority families as there are a high percentage of these children in the school.</p> <p>The intersectionality of pupil vulnerabilities has come through in the responses to both the initial public consultation and in the statutory notice representation period. This is an area that needs to be focussed on during the transition period, should the decision be taken to close the school.</p> <p>The turnout of responses to the initial consultation does not match the numbers of signatures to recent petitions but does appear to match the numbers of staff and families affected by the proposals. There are some gaps in data on the protected characteristics of those who would be affected by these proposals but the most prominent issues have been captured in the public meetings and responses including those facilitated by colleagues in EMAS.</p> <p>The number of responses to publication of the statutory notices may reflect frustration or exhaustion with the statutory process being undertaken or a misunderstanding of the further representation period after the initial consultation.</p> <p>We recognise that whilst the consultation reached many, there will be some we've not heard from directly. We will factor that into the transition oversight board, that there may yet be further needs not yet fully identified and recognised.</p> <p>The council has undertaken a public consultation on proposals to close St Peter's Community Primary School and Nursery on 31 August 2024. The vast majority of replies stated their disagreement with the proposals and concern for how pupils who attend the school will be supported by other schools should they need to move. In addition, there is concern that by closing the school its nursery provision, which is affordable, meets the needs of working parents and is highly regarded, will be lost. The school is currently operating with 69 pupils and this is the smallest primary school in Brighton & Hove. The school has received a very low number of first preferences for a place at the school in September 2024. The school is anticipating ending the financial year with a £203,000 deficit. The low numbers of pupils still attending the school and the absence of a viable and sustainable financial plan that can be achieved within a necessary timeframe that shows the school coming out of deficit means any alternative to closure would need additional support from the Council. The council's</p>				

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<p>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. 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. The Portslade planning area is expected to have 90 or more unfilled places in 2025 through to 2027. The council's statutory duty is to ensure sufficient school places for pupils living in Brighton & Hove and wanting a place in a city school. With sufficient school places in the area and an indication that West Sussex County Council also have sufficient school places to meet the need of families who live in close proximity to St Peter's Community Primary and Nursery school, it is recommended that the school closes on 31 August 2024.</p> <p>If the recommendations in the accompanying committee report are agreed, the school will close on the 31 August 2024.</p>				

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4. List detailed data and/or community feedback that informed your EIA

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
Responses from the statutory notice period	23/01/24 – 20/02/24	There were 125 responses provided via the Council's consultation portal, This is fewer than the numbers who responded during the initial consultation period.	Translated materials relating to the statutory notice period were provided to the school to share with their families
October 2023 school census and January 2024 school census	October 2023 and January 2024	Not all census rounds cover all protected characteristics.	
Responses from the school closure consultation -including public meetings and meetings / communications with the schools affected	7/11/2023 – 22/12/2023	Equalities monitoring questions on the portal relating to marriage or Civil partnership were not asked.	
Infant & Primary school allocation data	September 2023		

5. Prioritised Action Plan²⁵

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
All	Ensure all actions identified by grouping in this EIA are fulfilled, especially those supporting under-represented and minoritised groups of families, children and staff for instance actions identified for reaching migrant, asylum seeker, those who are Gypsy, Roma, Travellers, Black and Racially Minoritised and those with English as an additional language.	Improved communication that is more far-reaching coupled with appropriate outreach and proportionate and planned targeted community engagement.	Consultation and engagement is planned and reaches diverse and under-represented and Minoritised communities intersectionally – report and internal monitoring to be conducted successfully.	By Summer 2024
Transition Oversight Board	Board was established in January 2004 and continues to meet to provide operational and strategic oversight of pupil transition.	Transition is well planned.	Children all have an appropriate school place for September 2024.	By Summer 2024
Funding available to support children with additional needs and vulnerabilities	The Council has secured additional internal funding to allow for further capacity in internal support services	Transition is well planned	Children are prepared for transition and supported through their transition.	By summer 2024
Disabled parents and parents with children who have a disability may find	Schools will be encouraged to identify families who need	Pupils will move to a new school which is	Pupils will move to a new school which is	By September 2024

<p>it more difficult to participate in the school application process</p>	<p>additional support to secure a new school place.</p> <p>BHISS & SEND will provide support for children with EHCP's to ensure that they move to an appropriate school that can meet their needs.</p> <p>The council will support parents to identify schools which they feel are able to meet their children's needs.</p>	<p>appropriate for their individual needs.</p>	<p>appropriate for their individual needs</p>	
<p>Ensure that families with English as an additional language are aware of the support available to assist with the move to a new school place.</p>	<p>Advice and support sought from the EMAS team and others with links to various communities where there are a number of families with English as an additional language.</p> <p>An interpreter can be sourced upon receiving confirmation and consent from those who would need it.</p>	<p>More Families with English as an additional language are supported to find a new school place.</p>	<p>More Families with English as an additional language are supported to find a new school place.</p>	<p>By September 2024</p>
<p>We are aware that discrimination against various groups remains a prevalent issue.</p>	<p>If we are aware of any circumstances where individuals need support we will ensure that this</p>		<p>Families feel supported in the process and have access to the resources and signposting support</p>	<p>During the Spring and Summer Terms</p>

	<p>group is supported and that the school is also supported in guiding people through to resources and signposting support.</p> <p>We will continue to monitor and gather data.</p>		that they need, when they need it.	
<p>Vulnerable pupils and families need to be identified by the schools so that appropriate support can be provided to support the application process and the transition to a new school.</p>	<p>Processes put in place to identify vulnerable children who would be particularly affected by moving schools. The Council's Vulnerability Index tool, typically used to support primary to secondary transition, has been adapted to be used</p> <p>Appropriate support identified and provided by for example, Brighton & Hove Inclusion Support Services (BHISS), schools wellbeing service and EMAS to assist with the transition for these vulnerable pupils.</p> <p>Ensure updated data from January 2024 is included when made available.</p>	<p>All families get to express a preference for a new school and the transition for pupils is a smooth as possible.</p>	<p>All families get to express a preference for a new school and the transition for pupils is a smooth as possible.</p>	<p>During the Spring and Summer Terms</p>

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Staff member completing Equality Impact Assessment:

Richard Barker, Head of School Organisation

Date: 21 February 24

Directorate Management Team rep or Head of Service/Commissioning:

Jo Lyons, Assistant Director – Education and Skills

Date: 22 February 24

CCG or BHCC Equality lead:

Jamarl Billy, Equality, Diversity, and Inclusion (EDI) Business Partner

Sabah Holmes, EDI Manager and Emma McDermott, Head of Communities and Equality

Date: 22 February 24

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

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- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
 - **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
 - **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
 - **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
 - **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
 - **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
 - **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people in relation to their ‘protected characteristics’ (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups’ vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give ‘due regard’ (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **advance equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved

-
- The numbers of people affected
 - The size of the likely impact
 - The vulnerability of the people affected within the context

The greater the impacts, the more thorough and demanding the process required by the Act will be.

4 When to complete an EIA:

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

5 Title of EIA: This should clearly explain what service / policy / strategy / change you are assessing

6 ID no: The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

7 Team/Department: Main team responsible for the policy, practice, service or function being assessed

8 Focus of EIA: A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.

-
- How does it fit with other services?
 - Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
 - What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
 - What do existing or previous inspections of the policy, practice, service or function tell you?
 - What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?⁹
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#>) and national ones where they are relevant.

¹⁰ **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
 - (a) consult when proposals are still at a formative stage;
 - (b) explain what is proposed and why, to allow intelligent consideration and response;
 - (c) allow enough time for consultation;
 - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all perspectives can be considered.
- Identify any gaps in who has been consulted and identify ways to address this.

¹¹ Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.

-
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of “the policy is likely to disadvantage older women”, say how many or what percentage are likely to be affected, how, and to what extent.
 - Questions to ask when assessing impacts depend on the context. Examples:
 - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims
 - Do the effects amount to unlawful discrimination? If so the plan must be modified.
 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

¹² Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

¹³ **Age:** People of all ages

¹⁴ **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

¹⁵ **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

¹⁶ **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

¹⁷ **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

¹⁸ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

¹⁹ **Sex/Gender:** Both men and women are covered under the Act.

²⁰ **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

²¹ **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

²² **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

²³ **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

²⁴ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

²⁵ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

Appendix 3

Transition Board

Draft Terms of Reference

- The purpose of the Transition Board is to look at the support being provided to pupils who have been required to move school due to the closure of their current primary school.
- The board will oversee the work of the teams that support application to a new school, familiarisation to the new setting and move to a new school.
- This work will continue until the end of the Autumn term 2024 and the Year 5 (Sept 2023) cohort will be tracked through the move to a new secondary school place in September 2025.
- The group will ensure that services funded to facilitate the transfer of pupils to new schools use the additional funding wisely and account for its use so that this can be reported on in due course.
- The board will not replicate the good transition which is going on led by the local authority teams and the schools, but will provide challenge and support as is needed to ensure the transition for all children is a positive experience and they receive any additional support needed.
- The group will work closely with school leadership to communicate and liaise with schools.
- The group will positively communicate the work of the board.
- The Co-Chairs of the CF&S committee will provide political oversight to the work undertaken and the meetings will be chaired by the Assistant Director, Families, Children and Learning (Education & Skills).

Brighton & Hove City Council

Children, Families & Schools Committee

Agenda Item [Insert]

Subject: Proposed Closure of St Peter's Community Primary and Nursery School

Date of meeting: 22 January 2024

Report of: Executive Director Families, Children & Learning

Contact Officer: Name: Richard Barker, Head of School Organisation
Tel: 07584217328
Email: richard.barker@brighton-hove.gov.uk

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, 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 Peter's Community Primary and Nursery 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 Peter's Community Primary and Nursery School on 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 period 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 meeting of the Children, Families & Schools (CFS) 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 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.
- 3.3 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.
- 3.4 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. In the event that closure is recommended a final decision will be made by Full Council on 4 March 2024.

Public consultation

- 3.5 On the 6 November 2023, the CF&S Committee agreed to undertake a public consultation on the proposal to close St Peter's Community Primary and Nursery School.
- 3.6 The public consultation ran between 7 November 2023 and 22 December 2023. There were 5 public meetings and 313 responses to the online consultation were received. In addition, there were 15 direct responses to the Council's school organisation or school admission email accounts about the proposals. Approximately 150 people attended the four general open public meetings, not including Council officers or the core school leadership. That number will include some repeat attenders and some school staff and governors. There was a fifth meeting held at the school for families of children with additional needs.
- 3.7 A summary of the 313 responses to the consultation portal is provided below. Only 7.7% of responses agreed with the Council's proposals to close the school. 88.5% of responses either strongly or tended to disagree with the Council's proposals.

Option	Total	Percent
Strongly agree	14	4.47%
Tend to agree	10	3.19%
Neither agree nor disagree	7	2.24%
Tend to disagree	12	3.83%
Strongly disagree	265	84.66%
Don't know / not sure	5	1.60%
Total	313	

3.8 Of all the 467 responders to the consultation on proposed school closures, via the online portal, including those responding in relation to St Bartholomew’s CE Primary 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.

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

3.9 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 & Hove.

3.10 Most responders to the consultation who provided further information detailed that they were Brighton & Hove residents with 19% of all responders being parents/guardians of a child(ren) directly affected by the proposal to close St Peter’s Community Primary and Nursery School, detailed in the table below. The 89 responders who provided details were 28.4% of the 313 replies received in relation to St Peter’s Community Primary and Nursery School.

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

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

Concerns raised during consultation

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

- the availability of alternative school and nursery class places for families, particularly those with siblings in other year groups. This is a particular issue for those families who live in West Sussex but who currently attend St Peter's.
- the ability to fit new school arrangements into working lives and the impact of distance and the suitability of walking route to families who would be required to move school.
- the absence of sufficient school places in the south Portslade area.
- the potential loss of a valued community resource with over 100 years of history, including the air raid shelters which are located on the school site.

3.12 Significant levels of concern were also raised about the potential loss of the nursery provision which is teacher led. The cost, opening hours and quality is valued not only by those with children in the provision but also by those whose children have attended and those with younger siblings whose parents had hoped they would attend.

3.13 There was scepticism about the Council's claims that there are sufficient nursery and school places available in the surrounding area and whether these places would be sufficiently reasonable in distance and routes for those whose children would be displaced by the school's closure.

3.14 It was evident that several families value the community that has built up around the school. It was explained how this has in some cases replaced distant family and provided support mechanisms that allow children to attend regularly. It also enables families without extended family support nearby to cope with unforeseen events that may occur. The small size of the school was seen as a real positive to many families. They felt that their children were coping much better in a smaller teaching 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 formalise the support required.

- 3.15 Concerns were expressed that the proposal to close the school would impact most on pupils whose special educational needs and family circumstances meant they had significant needs. The anxiety and concerns experienced by these children as well as the loss of the school's community might make it even harder for families to keep coping without the intervention or reliance on statutory services.
- 3.16 The responses to the online consultation also raised concerns that the proposals went against the Department of Education's guidance on opening and closing schools. It was felt that decision makers should not make blanket assumptions about school size and that the Council were promoting large class sizes at schools that would have a detrimental impact on pupils such as those attending St Peter's. It was also felt that the school's low numbers were as a result of decisions by the previous school's leadership and that insufficient time has been given for the school to 'turn things around'.
- 3.17 Concerns were expressed that many parts of the city are now unaffordable for families. Areas such as south Portslade were felt to offer more affordable housing together with easy links to other parts of the city. Closing the school, might push people away even further and leave others to travel to different locations for education reasons thereby adding to the environmental impact and traffic congestion.
- 3.18 In relation to nursery provision, it was noted that Portslade residents have lost four nurseries already and the absence of suitable provision could put parents out of a job as they would not be able to afford to put their child in another nursery.
- 3.19 Concerns were also expressed that the consultation was not widely advertised, that a formal matrix of criteria was not used to determine where school closures should be proposed and there was insufficient time for a full consultation, especially when compared with the length of time of the recent Council consultation on graffiti.
- 3.20 In addition to a revised budget plan in support of a change in the school's organisation, to be more viable as a smaller school (see paragraphs 3.29 – 3.33), the school raised a number of other concerns during the consultation period. These included:
- the lack of engagement with West Sussex County Council in relation to available places for displaced pupils and the needs that those pupils have
 - the lack of due consideration to the numbers of pupils in Brighton & Hove who are home educated or on part time timetables
 - the council's overall work to ensure the city is affordable for families. Whilst highlighting issues with how the proposals go against other council priorities and manifesto commitments
- 3.21 The school's response to the consultation suggested steps that might enable the school to remain open including a mitigation to low pupil numbers and a

bolstering of the nursery provision. However, the school’s proposals did not consider how the school would seek to improve levels of parental preference (other than through the adoption of a unique curriculum offer as demonstrated by the Bilingual School as an example) and thus fill to the school’s capacity of 210 pupils. A medium to long term strategy of remaining at 105 pupils does not appear to the Council 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 Portslade planning area shows a further drop from 180 pupils needing a place in 2025 to 158 pupils needing a place in 2027.

- 3.22 The Council has also received several responses directly from some pupils via their parents. In addition, some parents have provided details of the impact these proposals have had on their children and the changes in behaviour that have resulted from the consultation being launched. 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.

School context

- 3.23 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 178 in 2018. In that time the proportion of children with EHCPs has risen by 3.3% 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	2.8	6.1	3.3	1.4
% of EAL children	14.7	24.4	9.7	2.1
% of BAME children	23.2	31.3	8.1	3.4

Reasons to propose to close the school

- 3.24 The Council acknowledges the level of opposition to the proposal. It is nonetheless recommended to proceed with publishing statutory notices to close St Peter’s Community Primary and Nursery School on 31 August 2024. Closure is considered necessary for the reasons set out below.

3.25 At the October 2023 census the school had recorded the following number of pupils on roll compared to October 2022 as shown in the table below. This is the lowest number of children in Year R to Year 6 of any primary school in Brighton & Hove. It is recognised that by undertaking a consultation on a proposal to close the school families have chosen to remove their children from the school, therefore artificially distorting the number of children on roll. At 8 January 2024, records show 69 pupils being on roll in Year R to Year 6 and 27 children in the nursery.

Census Date	N2	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
October 2023	21	12	13	10	12	17	9	18	112
October 2022	16	18	13	16	17	13	17	19	129

3.26 In the Autumn Term 2023 the school's official headcount in the nursery class was 21 children.

3.27 The school has an intake of 3 – 11 years old which includes a nursery class. It is clear from the consultation responses that the nursery is held in high regard for its quality of education, affordability, and hours of operation. However, while retaining high numbers of children in the nursery class, not all parents then choose for their children to attend St Peter's in Year R and there is no automatic transfer from the nursery to the school. Under the School Admissions Code, a separate application to the school must be made by each parent of a child who attends the nursery.

3.28 The children attending the nursery before January 2023 will all be able to finish their nursery education at St Peter's and then start Reception at alternative schools in September 2024. The school has had new children join the nursery class in January 2024 and these children will be required to find alternative nursery provision should the school close.

3.29 The school is forecasting that its budget position at the end of 2023-24 financial year to be in deficit by £203,000. This represents 26% of the school's 2023/24 formula budget and early years funding allocation of £792,000. During the consultation process the school submitted a revised budget plan that showed that the school would be able to operate within its means and end each future year with a surplus that would contribute to reducing the deficit in future years.

3.30 However, the school's high-level, revised budget plan is based on the school being full when admitting up to a revised PAN of 15 pupils each year with 5 teachers and a headteacher overseeing the 105 pupils who would be on roll. The plan includes a reduction in the level of additional support from other staff and the SENCO duties being shared between the Headteacher and a class teacher.

- 3.31 It is accepted that the information provided by the school was an indicative account of what could change rather than a detailed proposal. The viability of the budget, if fully implemented, would look to contribute to a reduction in the school's overall deficit by £65,000 by March 2027. How the organisational structure would impact on the quality of education the school provides and the progress of the school's improvement journey is untested. However, it is accepted that the revised school model would have to be undertaken in conjunction with other stakeholders because there would be fewer staff to implement on-going improvements and provide the capacity to maintain change, respond to any barriers that emerge and enable the school to return to providing a good quality of education.
- 3.32 The financial modelling also takes no account of the costs incurred in maintaining a lease for the part of the school's accommodation not owned by the Council. Part of the school's accommodation is rented and while, in recent years, a decision has been taken by the Schools Forum that the costs will be met from all school's budgets this is a year-on-year decision and the membership of the forum has indicated concern about maintaining the current arrangement in future years.
- 3.33 The lease runs until 2037 and has further rent reviews scheduled for 2027 and 2032. The current annual rent is circa £42,000. Without the support of the Schools Forum, the funding to meet the annual rent, should the school remain open, would have to be made by the school from its own funding or by the Council directly.
- 3.34 The school is currently judged Requires Improvement by Ofsted, is subject to Ofsted monitoring and has a Council School Improvement Strategy Board as a school requiring support and intervention. The school has a temporary leadership structure with an Executive Headteacher and Head of School. This is not a long-term leadership model with the governing body working outside of any formal collaborative structure such as a federation. As outlined above, the school have developed a budget plan that shows a substantive headteacher and a smaller number of class teachers. Yet this structure would not enable the swift school improvement required to ensure the children at the school received a good quality of education.
- 3.35 During the public consultation period the Council obtained updated data to forecast pupil projections to September 2027 and revised 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

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

Date of Birth / school year	School year in Sept 2024	BN41 1	BN41 2			
1 Portslade		St Peters Primary Benfield Primary St Marys Primary	Brackenbury Primary St Nicolas Primary Mile Oak Primary Peter Gladwin Pri	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		90	180	270		
01 September 19 to 31 August 20	R	64	131	195	176	95
01 September 20 to 31 August 21	2025	64	136	200	180	90
01 September 21 to 31 August 22	2026	57	129	186	167	103
01 September 22 to 31 August 23	2027	51	124	175	158	113

3.37 There are estimated to be under 60 children living in the BN41 1 postcode requiring a school place in 2026 and 2027. There are currently 90 places available, albeit 30 places are at a church school. St Peter's Community Primary and Nursery School admits several children who live in West Sussex; the Council does not have a statutory duty to provide school places for those not resident in Brighton & Hove but cannot restrict admissions to the school to only those living in Brighton & Hove.

3.38 In West Sussex County Council's [Planning School Places](#) document it states that in the Lancing planning area, the "current provision of places across the planning area is sufficient to meet the demand from those expected to apply for a place for starting school in the coming years". The planning area is operating at 89% occupancy and is considered full by WSCC when at 95%. In the Shoreham planning area it states, the "primary pupil numbers in the school planning area have seen a steady decline in recent years and whilst this does not reflect other areas of the county is based largely on changes to the demography in the area". It is operating at 90% capacity. The forecast primary pupil numbers in the Adur district show a decline through to 2026-27.

3.39 When all of these factors are taken into consideration, the Council's conclusion is that the school is no longer viable and therefore statutory notices should be published in order to proceed with the proposal to close the school.

Displaced pupils

3.40 The council is confident that there is sufficient capacity to accommodate displaced pupils if the school is to close, even when considering sibling links of children in either the nursery or primary school classes. While school places potentially fluctuate daily, the availability of school places on 8 January 2024 is as follows.

School (distance from St	Current Year group						
	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6

Peter's in metres)							
St Peter's – Current pupil numbers	13	9	7	9	12	3	
St Mary's (545m)	3	0	2	1	0	0	
Benfield (1246m)	6	0	2	0	15	4	
Brackenbury (1062m)	1	0	5	13	7	2	
St Nicolas (1109m)	1	0	5	0	5	0	
Peter Gladwin (1723m)	0	1	6	3	2	3	
West Hove Infants – Portland Rd (2357m)	2	1	8	8	13	3	
Hangleton (2799m)	8	9	8	09	9	19	
Mile Oak (2886m)	3	17	4	15	7	20	
Eastbrook (1931m)	7	0	0	0	0	0	
The Glebe (3058m)	8	16	22	13	0	0	
Holmbush (3862m)	4	0	1	7	0	17	
St Peter's (Shoreham) (3862m)	5	5	0	0	0	7	
St Nicolas & St Mary's (4023m)	0	13	4	4	4	0	
Swiss Gardens (4667m)	14	22	1	0	3	4	
Shoreham Beach (5150m)	0	0	2	0	0	4	
Buckingham Park (5472m)	31	14	15	12	8	13	

3.41 From the information held by the Council, excluding the Year 6 pupils, there are 3 sets of siblings living in Brighton and Hove and 7 sets of siblings living in West Sussex currently attending St Peter's. The Brighton and Hove siblings could all be placed in Portslade schools, if their parents so wish

based on current availability. Both Benfield and Brackenbury primary schools currently have sufficient space to accommodate these families. The same applies for three of the seven West Sussex siblings. The other four sets of West Sussex siblings that have current Year 1 children are likely to have to travel to Hangleton or Mile Oak if they want to attend another Brighton and Hove school or go to St Nicolas & St Mary's or Swiss Garden for a West Sussex school.

- 3.42 As of 8 January 2024, there are 53 pupils still on roll at St Peter's 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.
- 3.43 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 Peter's Community Primary and Nursery School can do so.
- 3.44 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.

Nursery Provision

- 3.45 On 8 January there were 27 children attending the nursery provision. In addition to the recently opened Hippy Kids playschool located at South Portslade Community Centre, the Council is aware of the following Brighton and Hove early years provision within two miles of St Peter's.

Early Years Setting	Age range	Walking distance from St Peter's Primary School
Hippy Kids Playschool	0 to 5	0.2 miles
Southern Cross Pre-school Nursery	2 to 5	0.5 miles
Sparrows Nursery	2 to 5	0.7 miles
Footsteps Day Nursery Portslade	0 to 5	0.8 miles
Baby Ducks	2 to 5	0.9 miles
Pumpkin Patch in the Park	3 to 5	0.9 miles
Teddy Bears Day Nursery	0 to 5	0.9 miles
Bright Horizons Wish Park	0 to 5	1.0 miles
Fizzy Fish @ Peter Gladwin	2 to 5	1.1 miles
Nanny's House	0 to 5	1.1 miles
Hove Village Day Nursery	0 to 5	1.1 miles
Hopscotch West Hove Nursery	0 to 5	1.3 miles
Just Like Home Kindergarten	3 to 5	1.3 miles

La Casita	0 to 5	1.4 miles
Little Lambs Kindergarten	0 to 5	1.4 miles
Bright Horizons New Church Road	0 to 5	1.5 miles
Home from Home Nursery	0 to 5	1.5 miles
Young Sussex Hove	0 to 5	1.5 miles
Acorn Nursery	0 to 5	1.6 miles
Goldstone Primary School Nursery Class	3 to 5	1.6 miles
Active Kids	0 to 5	1.6 miles
Shoresh	2 to 5	1.6 miles
Bee in the Woods Kindergarten	3 to 7	1.7 miles
Early Explorers Pre-school	2 to 5	1.7 miles
Fizzy Fish Pre-school	3 to 5	1.7 miles
Woodpeckers Nursery	2 to 5	1.7 miles
Little Oaks	2 to 5	1.8 miles
Mini Adventurers Pre-school	2 to 5	1.8 miles
Apple Tree Montessori Hove	0 to 5	1.9 miles

3.46 The Council has heard the high regard the school's nursery provision is held by parents and the community and the benefits that it offers. As a result of this feedback the Council has begun discussion with other schools about the potential of opening up governing board led nursery provision to maintain a similar offer to that at St Peter's into the future.

3.47 It can usually be expected that working parents want early years provision for full days, all year round and for children younger than three, not all of which is covered by the current St Peter's provision. The Council heard that some parents are working and using the nursery. Of the children enrolled in the autumn term, eight are of working parents. Two of these families take their extended entitlement in another setting, not at the school's nursery provision.

3.48 The Council is responsible for ensuring sufficient nursery places are available to meet the needs of the community. It is not required to maintain the identical offer of provision should an early years provision be required to close. However, as stated at paragraph 3.46 above, the Council has begun discussion with other schools about the potential of opening governing board led nursery provision to maintain a similar offer to that at St Peter's. It is regrettable that in proposing the closure of St Peter's Community Primary and Nursery School the offer provided by the nursery class will not be maintained and families with children who started in the nursery in January 2024 and therefore not expected to start school in September 2024 and those who had planned to send their children to the setting beyond that date will be inconvenienced and will need to find suitable early provision that best meets their needs in other settings. The Council's family hubs team will support parents to find alternative early years provision.

3.49 All early years providers offering the early years free entitlements have to be registered on the Ofsted early years register and follow the early years foundation stage statutory framework which includes learning and

development requirements and welfare requirements, specifying staff:child ratios and staff qualifications. They are also required to comply with the council's EYFE funding agreement.

- 3.50 The Council's 2023 Childcare Sufficiency Assessment did not find a shortage of early years provision across the city as a whole. Between December 2019 and August 2023 the number of early years places on the Ofsted register in Brighton and Hove increased by 4% compared with a 1.5% increase in England as a whole. Where nurseries in the city have closed they are sometimes replaced by a new provider on the same site; nurseries have also opened on new sites.
- 3.51 From April 2024 the early years free entitlement starts to be rolled out to younger children, with a significant expansion (30 hours a week from the age of nine months) from September 2025. The DfE's local authority readiness data states that "in Brighton and Hove we estimate that 0 places will need to be created by September 2025". The DfE have stated that they will further refine local data which may change that conclusion, but this has not yet been provided.
- 3.52 Where parents require additional early years provision in addition to their EYFE they may be eligible for help with childcare costs through tax free childcare/childcare element of universal credit.

Pupils with Special Educational Needs

- 3.53 There are 4 Brighton and Hove pupils recorded as attending St Peter's Community Primary and Nursery school with an Education, Health and Care Plan (EHCP) and 24 pupils recorded as having SEN support.
- 3.54 Through the consultation concerns have been expressed about how other schools will be able to meet the needs of those pupils at St Peter's who have special educational needs, how those pupils will cope with a transition to another school, and whether any receiving school would put in place appropriate interventions to support these pupils.
- 3.55 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 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.
- 3.56 Pupils living in West Sussex will need to make any request for statutory assessment to West Sussex County Council. Council staff are committed to work with colleagues in West Sussex to ensure any supporting information is made available and the receiving schools will be asked to maintain evidence of interventions and their impact on pupils to help facilitate any future requests for additional support that may be made.

- 3.57 There have also been suggestions that the council might need to find more specialist placements or provide additional funding to that which is currently available to pupils at St Peter's, 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 local mainstream settings, subject to the updated information obtained during the annual review process.
- 3.58 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.
- 3.59 As stated above the school has also put forward proposals to mitigate the impact of the school's low pupil numbers by reducing the school's PAN and combining classes. They have also suggested looking at alternative options for the nursery provision as part of a Portslade family hub or combining the nursery with a special provision that caters for the needs of pupils with Special Educational Needs. 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. At this point in time there are no viable concrete proposals that would support St Peter's Community Primary and Nursery School remaining open and utilising the expertise and accommodation the school currently has available.
- 3.60 When new specialist placements hosted by schools have been proposed they have been required to be sited in schools that have at least a Good Ofsted judgment and are able to demonstrate financial stability in future years. In addition other qualitative judgments are made in relation to vision, ethos and governance. St Peter's would not meet the requirements on quality of education or financial stability.

Supporting transition

- 3.61 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 upon pupils and their families. Many families have spoken about the way that St Peter's Community Primary and Nursery School has met their child's additional needs and, in some cases, after other schools have not been able to do so. 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 occurs from the move of pupils, should the school close.
- 3.62 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 Peter's Community Primary and Nursery School in their transition to new schools. This Transition Board will work closely with the teams mentioned above, the existing St Peter's staff, and staff at receiving schools to ensure the transition of pupils is managed in a 'child-centred', caring and considered way.

- 3.63 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 Peter's Community Primary and Nursery School between September 2024 – March 2025 to support them in their new setting.
- 3.64 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.
- 3.65 The Council has heard many families comment on the benefits of St Peter's Community Primary and Nursery 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.
- 3.66 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.
- 3.67 Information on pupils' needs and strategies and interventions that work to support pupils in their 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 Peter's Community Primary and Nursery School will remain valid and can be used as supporting information for an Education, Health and Care Needs Assessment. 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

- 3.68 Responses to the consultation have described the sadness in the community at the possibility of such a long-established school closing. The school was first opened in 1906 and has been a community resource that includes intact air raid shelters from 1939. There is concern that this asset will be lost to the community.

- 3.69 There are no active plans for the Council to re-purpose the accommodation that would become vacant should the school close. Therefore, it is expected that the site will remain as it is now preserving the building as a good quality example of an Edwardian state infant school with Arts and Crafts influences, in addition to the air raid shelters underneath.
- 3.70 It has been recognised that the school's community stretches beyond south Portslade, when consideration is given to the pupils served by the school. As it is not possible for complete classes from the school to move into the same new school, even if parents expressed 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

- 3.71 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 of 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.
- 3.72 With the support of trade unions, the Council will begin a staff consultation on proposed redundancy in late January. Whilst 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.
- 3.73 The Council is hoping to retain the knowledge and experience of staff working at St Peter's Community Primary and Nursery 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 numbers of staff employed.
- 3.74 The school's proposals to remain open as a smaller school would mean the retention of most staff. The high-level budget proposals did not include any calculation for the cost of redundancy that would be a responsibility of the

school to meet when reducing the numbers of staff at the school. 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.

- 3.75 Staff who are made redundant will receive their relevant entitlements depending on the role in which they hold at the school and their continuous service.

Accommodation

- 3.76 There are no active plans for the future use of the school site. The Council will be required to meet the costs of the rental agreement should the school close, until a future purpose and funding source has been identified. The Council is committed to maintaining educational provision from the site and ensuring the community resource, whose history is much valued, remains; so that its contribution to the area is not forgotten.
- 3.77 Any alternative uses of the site will be subject to consultation, where the impact on the community will need to be assessed as part of any future decision-making process.

Travel

- 3.78 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.
- 3.79 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 Peter's. However, through the consultation 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 in the Portslade area. Concerns have been expressed by families with young children, and the practicalities of transporting them to and from a new school site when accompanying their school aged sibling.
- 3.80 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.

- 3.81 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.
- 3.82 The Council will work with schools who receive pupils from St Peter's Community Primary and Nursery School to develop their school travel plans to seek to mitigate against increased car use.

Equalities

- 3.83 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.
- 3.84 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.
- 3.85 Through the consultation concerns were expressed by responders regarding whether the Council had put in sufficient measures to ensure the consultation was accessible to all. 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 Council.
- 3.86 Staff from the Ethnic Minority Achievement Service (EMAS) have supported families they have worked 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 and liaised with colleagues in West Sussex to support families who live there. In addition, a specific meeting was held at the school for those families for whom English is not their first language, families from Black or Racially Minoritised groups and for those whose children have special educational needs in order that any

particular concerns which they might have had could be listened to and addressed.

- 3.87 EMAS have directly supported three Bengali, one Polish, one Brazilian Portuguese, one Ukrainian and three Arabic speaking families to understand and send in responses to the consultation. EMAS also supported two Black African parents who are English speakers to register their children, at a different school, for reception in September.
- 3.88 Closing St Peter's Community Primary and Nursery School will remove the option of a school place in the south Portslade area at a school that is appreciated for how it supports families and children irrespective of their disabilities, race and life experiences.
- 3.89 It is recognised that any alternative school place will not be in a school of a similar size and is unlikely to have the small class sizes that the school has had in recent years and which have been valued by responders to the consultation. However, these factors have contributed to the school's financial position and if similar circumstances, such as small class sizes, were replicated it would place those other schools at risk of not being financially viable, as detailed in paragraph 3.65.
- 3.90 By proposing the closure of St Peter's Community Primary and Nursery School it is hoped that it will ensure other schools in the city 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 Peter's Community Primary and Nursery 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 requirement to undertake an initial consultation on the Council's proposals prior to a formal consultation has meant that the school staff, families and community have faced a significant amount of uncertainty since November 2023. This has resulted in some families taking up opportunities of school places elsewhere, in anticipation of a decision to close the school.
- 4.3 As a result, the viability of alternative options to closure are diminished. In addition, putting forward a proposal to close the school at a later date is not considered viable or appropriate. It can be reasonably expected that more families will move their children to alternate schools as a revised closure date gets closer plus staff would be needing to consider other employment opportunities to maintain their employment and continuity of service. 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 very low.
- 4.5 As part of the consultation process the school put forward three alternative options within the school building:
- to reduce the size of the school
 - extend the nursery to include younger age children and create an Early Years Hub for Portslade
 - keep the nursery and develop a specialist provision facility
- 4.6 The school also submitted a revised budget plan to show how expenditure could be kept lower than current expenditure through a reduction in teaching staff and the purchasing of fewer support services. The surplus generated would be used to offset the school's current deficit.
- 4.7 Whilst these proposals demonstrate the potential for an alternative to the school's closure there is not sufficient compelling information for the Council to consider them as alternatives to closure when considered alongside the Council's own expectations, financial position and ability to accept risk.
- 4.8 As outlined, the proposals in the budget plan show a reduction in teaching staff that could place the school's on-going improvement journey at risk and requires the school to maintain sufficient popularity in the community to maintain 105 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.
- 4.9 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 public consultation exercise between 7 November and 22 December 2023. A total of 5 public meetings held in-person or online took place and were attended by a total of approximately 150 people. Many people attended more than one meeting.
- 5.2 The online consultation response form received 313 responses and 15 email replies were received directly to the council's school organisation or school admissions inbox.
- 5.3 The consultation was notified to West Sussex County Council, both diocese and nurseries were informed.

6. Conclusion

- 6.1 The Council has undertaken a public consultation on proposals to close St Peter's Community Primary School and Nursery on 31 August 2024.
- 6.2 A total of 313 responses received via the consultation portal and there were 15 direct responses to the Council's school organisation or school admission email accounts about the proposals. The vast majority of replies stated their disagreement with the proposals and concern for how pupils who attend the school will be supported by other schools should they need to move. In addition, there is concern that by closing the school its nursery provision, which is affordable, meets the needs of working parents and is highly regarded, will be lost.
- 6.3 On 8 January the school was operating with 69 pupils and this is the smallest primary school in Brighton & Hove.
- 6.4 The school is anticipating ending this financial year with a £203,000 deficit.
- 6.5 The low numbers of pupils still 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 Some parents of children attending the school and nursery are concerned that their children's needs will not be met as well as they are by staff at St Peter's should the school close. Several families are also concerned that there are insufficient school and nursery places a reasonable distance from the school to be a viable alternative to attending the school.
- 6.7 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 nursery and SEN support made available. Proposals did not consider how the school would seek to improve levels of parental preference and fill to the school's current 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.
- 6.8 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.
- 6.9 The Portslade planning area is expected to have 90 or more unfilled places in 2025 through to 2027. The Council's statutory duty is to ensure sufficient

school places for pupils living in Brighton & Hove and wanting a place in a city school. With sufficient school places in the area and an indication that West Sussex County Council also have sufficient school places to meet the need of families who live in close proximity to St Peter's Community Primary and Nursery School, it is recommended that the school closes on 31 August 2024.

- 6.10 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 Peter's in summer term 2023 shows the school with an estimated deficit balance of £202,849 at the end of the 2023/24 financial year with no long-term plan to bring the budget back into balance. The school did submit 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 costs including fewer 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 2026/27 financial year still shows a cumulative deficit in the region of £140,000.
- 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 Peter's Community Primary and Nursery 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

- 8.5 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: 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. 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 Peter’s Community Primary and Nursery 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 Peter's Community Primary and Nursery 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 if 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.

Brighton & Hove City Council

Children, Families & Schools Committee

Agenda Item XX

Subject: Proposed School Closures 2024

Date of meeting: 6 November 2023

Report of: Executive Director Families, Children & Learning

Contact Officer: Name: Richard Barker
Tel: 07584217328
Email: richard.barker@brighton-hove.gov.uk

Ward(s) affected: All

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the Council did not wish to publish the report before affected schools had had the opportunity to inform their staff and wider school communities about the proposals. This will happen on the first Monday after the half term break (30 October 2023) following which the report will be published without delay.

For general release

1. Purpose of the report and policy context

- 1.1 This report details the proposed closure of two primary schools, St Bartholomew's C of E Primary School and St Peter's Community Primary School to take effect on 31 August 2024. This report needs to be read in conjunction with the report on School Admission Arrangements 2025-26 which is also before this committee meeting for consideration.
- 1.2 In response to the fall in pupil numbers the Council is proposing the closure of 2 schools and the reduction in Published Admission Number of 9 schools. A total reduction of 300 places. When closure of a school is proposed the Council must first carry out a consultation. The Committee is asked to approve a consultation to consider closure of these two schools, which will run alongside a consultation on other proposed changes in admission arrangements across the city, to take effect from September 2025. Following the consultation, the Committee will receive a further report in January 2024 to consider the outcome of that consultation and to decide whether to progress the proposals further.

2. Recommendations

- 2.1 That Committee agree to consult on the closure of St Bartholomew's C of E Primary School to take effect on 31 August 2024.
- 2.2 That Committee agree to consult on the closure of St Peter's Community Primary School to take effect on 31 August 2024.

3. Context and background information

Overview – Pupil Numbers and finances

- 3.1 In the Census 2021 it was revealed that Brighton & Hove’s population profile had fewer children & young people aged 0 to 19 (20.5%) compared to the South East (23.1%) and England (23.1%). There was a 22% drop in children aged 0-4 living in the city in the 2021 census compared to the 2011 census.
- 3.2 The Council's own projection of pupil numbers starting Reception in the coming years forecasts that there will be 651 excess places in 2025 and 662 excess places in 2026. Therefore, the city will have over 25% surplus capacity.
- 3.3 The Council divides the city into 8 planning areas and detailed forecasts for each planning area are provided in Appendix 1. It is expected that forecasts will be updated by December 2023 with more recent data from the NHS that will allow forecast pupil numbers until September 2027. This will be available to the Committee prior to the determination of any admission arrangements for September 2025 and prior to decisions being made on school closures.
- 3.4 The Council has received data from the Department for Education that indicates that the number of children in 2027 could be as low as 1991 and usually it can be expected that only 90% of that figure will require a school place, this would be 1792 children.
- 3.5 As detailed in the School Admission Arrangements 2025-26 committee report, the accuracy of these forecasts from September 2018 until September 2023 have been between 96% and 99% accurate in the time-period from 2015-2023. Whilst this is not a definitive indicator of future accuracy it supports the methodology used and provides a high level of assurance about the process.
- 3.6 Should the proposals in this committee paper and the accompanying committee paper, School Admission Arrangements 2025-26, be implemented as proposed the number of school places in Reception would be 2310. The revised table shows the estimated number of surplus places when taking account of a maximum of 10% surplus capacity, which has been considered by the DfE as a sound, surplus requirement.

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

- 3.7 In the May 2023 school census, St Bartholomew’s C of E Primary School and St Peter’s Community Primary School had the following number of pupils attending. Both schools have the capacity to admit 210 pupils each.

School	Yr R	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Total
St Bartholomew's C of E Primary School	16	23	26	18	15	19	22	139
St Peter's Community Primary School	17	11	15	17	11	17	21	132

St Peter's Community Primary School has also recorded a total of 20 children in its nursery provision. The most recent school census took place in early October 2023, the information from that census informs a school's budget allocation for the financial year 2024/25 and will be published before the Children, Families & Schools committee consider the responses to the consultation in January 2024, should approval be given to go out to consultation on these proposals at this committee.

- 3.8 In the May 2023 census, the two schools had the lowest total number of pupils of any of the city's primary schools. The only school with a lower pupil population was Hertford Infant School (97 pupils) but this school only has three age groups compared to 7 in a primary school.
- 3.9 For the financial year 2023-24, both schools have set a deficit budget. The Council can facilitate schools to set a deficit budget by using the surplus balances of other schools to offset this position. Should the amount of school deficits exceed the amount of surplus balances there will be a need for the Council to underwrite these deficits from its own General Fund.
- 3.10 In 2023/24 the total amount of school balances forecast is £4.5m and the total amount of school deficits forecast is £4.4m. However, based on previous trends, it is expected that the school balance figure will be adjusted upwards by the end of the financial year as schools have historically set cautious budget plans that have ended up being more positive at the end of the financial year, compared to what had been forecast.
- 3.11 The use of a license deficit permits schools to plan their budget to balance or move into surplus within a 3-5 year period. The current economic conditions faced by schools, including the funding levels set by central government are making it more difficult for schools to maintain a positive budget position.
- 3.12 St Bartholomew's C of E Primary School budget forecast for 2023/24 is a deficit of £205k. St Peter's Community Primary School budget forecast for 2023/24 is a deficit of £203k. Based on budget plans submitted in summer term 2023, neither school is able to forecast reaching a balanced budget position in the longer term.
- 3.13 Should a Local Authority maintained school have a deficit at the point at which the school closes this will be a charge to the Council's General Fund.

The total deficit of both schools by the end of the academic year 2023/24 is estimated to be £400k 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 that would result in a further cost to the council's general fund.

- 3.14 It is proposed that both schools close on 31 August 2024. Should the Council delay making any decision to close either school it can be anticipated that the uncertainty generated may further increase the financial pressures on both schools because pupil numbers may fall, staff may leave and only be replaced by temporary staff (who could cost more) and additional leadership capacity may be required to support the school.
- 3.15 Whilst the Council is proposing the closure of both schools, this is not to be considered as a reflection of the quality of education delivered or the leadership of those schools. The Council does not underestimate the impact that this proposal will have on the families, staff and communities at the publication of these proposals. Efforts will be made alongside the leadership of both schools to ensure those that are affected can be supported through the proposed consultation process.
- 3.16 Brighton & Hove City Council's Plan 2023 to 2027 outlines a commitment to support the provision of high quality and inclusive education from early years through to adult learning and to do this in part by delivering specific strategies for children and young people at risk of educational disadvantage. The Council must also seek to deliver an efficient education system. This requires action to be taken to reduce the number of unfilled places so that schools are operating from a more secure platform from which to deliver on multi-year programmes for the pupils attending their schools now and in the future such as a full and vibrant curriculum and to be able to provide the right support to be available to pupils and families.

Proposals – St Bartholomew's C of E Primary School

- 3.17 As detailed in paragraph 3.3, for forecasting future pupil numbers the Council divides the city into 8 planning areas. The school is in the Central City planning area. Nominally the postcode BN1 4 is assigned to the school, but it is recognised that the school will admit pupils from outside that area. The planning area is expected to have over 170 surplus places in 2025 and 2026 and this can be expected to rise in 2027. The school admits the lowest number of pupils of schools in the planning area despite there being more than 30 pupils living in the postcode area in proximity to the school.
- 3.18 In the May 2023 census, it was identified that the school has 48.9% of pupils eligible for Free School Meals. It had 12 pupils (8.6%) with Education, Health and Care plans and 23.7% of all pupils receiving SEN support.
- 3.19 In the January 2023 census, 39.3% of the school population had English as an additional language and 55.6% of pupils where the parent/carer/self-identified ethnic group is other than White British, Refused or Not Known.

- 3.20 There are 8 schools within 1.0 mile of the school, if the proposal to close the school was carried out it is estimated that there will remain at least 10 surplus places in each year group in schools near the school. The Council therefore considers it will be possible to re-allocate pupils to alternative school places within a reasonable distance of St Bartholomew's should the school close.
- 3.21 It is recognised that parent/carers may choose to send their child to another Church of England school in the city.
- 3.22 The Council does not underestimate the potential impact of this proposed change on the pupils at the school, whose circumstances may already make them vulnerable. As the school serves some of the most disadvantaged communities in the city, professional support, from the support services such as Brighton & Hove Inclusion Support Service (BHISS) and Ethnic Minority Achievement Service (EMAS), will be put in place to facilitate the movement of those students to local schools and minimise the impact of change upon them.
- 3.23 Should the school close, the staff will be at risk of being made redundant and the Council remains in dialogue with school leaders about how to minimise the risk of redundancy for trained and effective staff so that they are not lost to the city's school workforce should the proposals to close be agreed.
- 3.24 As a Church school, the responsibility for the building remains with the Diocese of Chichester. The Diocese holds the view that any of its educational buildings that are not in use are kept in the service of education as often as possible and dialogue with the Council will continue.

Proposals – St Peter's Community Primary School

- 3.25 As detailed in paragraph 3.3, for forecasting future pupil numbers the Council divides the city into 8 planning areas. The school is in the Portslade planning area. Nominally the postcode BN41 1 is assigned to the school and two others, but it is recognised that the school will admit pupils from outside that area including from West Sussex. The planning area is expected to have approximately 100 surplus places in 2025 and 2026 and this can be expected to rise in 2027. The school admits the lowest number of pupils of schools in the planning area.
- 3.26 In the May 2023 census, it was identified that the school has 38.5% of pupils eligible for Free School Meals. It had 8 pupils (5.6%) with Education, Health and Care plans and 18.3% of all pupils receiving SEN support.
- 3.27 In the January 2023 census, 24.4% of the school population had English as an additional language and 31.3% of pupils where the parent/carer/self-identified ethnic group is other than White British, Refused or Not Known.

- 3.28 There are 4 schools within 1.0 mile of the school, if the proposal to close the school was carried out it is estimated that there will remain surplus places in the school's vicinity in all school years except Year 2 and Year 6 (in academic year 2024/25) if all pupils who attend St Peter's Community Primary School seek a place in another Brighton & Hove school. It is known that some pupils live in West Sussex and it is reasonable to assume that some of those pupils will seek places in schools outside of Brighton & Hove.
- 3.29 The school has a nursery with 20 children attending. Should the school close, the nursery will also close. Families will be supported by the Council to look for alternative provision. Should these proposals be agreed children attending the nursery, who may be expecting to apply for a place and attend the school in September 2024, will need to seek alternative places to start school.
- 3.30 As previously stated, the Council does not underestimate the potential impact of this proposed change on the pupils at the school, whose circumstances may already make them vulnerable. We recognise the school serves some disadvantaged families and therefore professional support, from the support services such as BHISS and EMAS, will be put in place to facilitate the movement of those students to local schools and minimise the impact of change upon them.
- 3.31 Should the school close, the staff will be at risk of being made redundant and the Council remains in dialogue with school leaders about how to minimise the risk of redundancy for trained and effective staff so that they are not lost to the city's school workforce should the proposals to close be agreed.
- 3.32 Discussions are taking place as to the future educational use of the site, should the closure proposals go ahead. The council rents part of the primary school site. This was an arrangement put in place when the school was expanded from an infant school in 2013. Therefore, should the school close, the Council will need to consider what actions it takes in relation to the rental arrangements in future years.
- 3.33 The council would require the prior consent of the Secretary of State for education to dispose of any school land if it was deemed surplus to requirements. However as stated above, there are ongoing discussions about future educational use of these sites.
- 3.34 The process for disposing of or changing the use of a building previously used as a school is set out in the non-statutory guidance ['Involving the Secretary of State in land transactions non-statutory guidance on how and when to involve the Secretary of State in transactions involving land held for the purpose of a school'](#) published in September 2021.

- 3.35 The Secretary of State may:
- approve the application with or without conditions; or
 - refuse consent; or
 - may separately consider whether to make a scheme under paragraph 1 of Part 1 of Schedule 1 to the Academies Act 2010 to transfer land that is held by a local authority and has been used wholly or mainly for the purposes of a school within the last eight years but is (or is about to be) no longer so used. Any use of the power would allow the authority to make representations.
- 3.36 This process can take some considerable time to complete and until the outcome is known the council will be in the position of having to maintain an empty building. The guidance suggests that no changes should be made until such time as the Secretary of State has made their decision. It is not unusual for this process to take up to 2 years from the point of making the application to the decision being made.

Statutory Process

- 3.37 In order to achieve any reorganisation of provision, including closure, the Council must comply with the School Organisation legislation, the Education and Inspections Act 2006 (EIA), and statutory guidance published by the Department for Education. Both the legislation and guidance set out the steps which the Council must take when making any decisions on proposals to reorganise school provision. The DfE published [Opening and closing maintained schools Statutory guidance for proposers and decision makers in January 2023](#).
- 3.38 The statutory process for closing a school involves five stages:
- (i) Consultation
 - (ii) Publication of statutory notices
 - (iii) Four week representation period
 - (iv) Decision on the proposal
 - (v) Implementation
- 3.39 If a Local Authority proposes to close a school, then it must carry out a period of statutory consultation.
- 3.40 How the consultation is carried out is not prescribed in the legislation, it is for the Local Authority to determine its nature and length. However, good practice dictates that it should last for a minimum of six weeks and if possible should avoid school holidays in order that the maximum number of people can respond.
- 3.41 As St Peter's Community Primary School is a community school it is for the Local Authority to put forward any proposals for closure. St Bartholomew's C of E Primary School is a voluntary aided school and so either the Local Authority or the Governing Board of the school can put forward a proposal. The decision maker for both schools will be the Local Authority and the

Diocesan Authorities can make a referral to the School's Adjudicator if they have objections to the decision.

3.42 The DfE Guidance sets out a number of reasons for closing schools, which include the following:

- There are surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicted demand for the school in the medium to long term
- It is no longer considered viable

3.43 If the consultation process starts in early November 2023 then there is sufficient time for the five stages of the statutory closure process to be completed in order for closure to be effective by 31 August 2024. It is appreciated that the proposal comes with little prior consultation with communities and during the period when families are seeking to apply for school places for September 2024.

3.44 Currently, as this is only a proposal, parents can apply for school places at both St Bartholomew's C of E Primary School and St Peter's Community Primary School for September 2024. However, a decision on the closure proposals will need to be taken in sufficient time before the 8 March 2024 date, when late for good reason applications will be considered before National Offer Day on 16 April 2024.

3.45 It is proposed to start the consultation on 7 November 2023 and for it to run for nearly 7 weeks concluding on 22 December 2023. This will mean it runs alongside the consultation on proposed admission arrangements for September 2025.

3.46 There will be three consultation events for each proposal, two in-person meetings and an online meeting.

3.47 Details of these meetings will be provided and the consultation will be hosted on the Council's [consultation portal](#) which will set out full details of the proposals. Consultees will be able to respond to the following questions:

- Do you agree that the council should reduce the total number of surplus school spaces in the city?
- Any comments or reasons for your answer?

- Do you agree or disagree with the proposal to close X School by September 2024?
- Any comments or reasons for your answer?

Responders will be able to indicate the extent to which they agree or disagree (Strongly agree/Tend to agree/Neither agree nor disagree/Tend to disagree/Strongly disagree/Don't know or not sure/Not Answered) with the proposals and provide a comment in a free text box.

- 3.48 A further report will be presented to the Children, Families & Schools Committee on 8 January 2024 detailing the response to the consultation and making recommendations about the next steps.

4. Analysis and consideration of alternative options

- 4.1 When considered in conjunction with the proposals for admission arrangements for September 2025, the Council could propose to make no changes to primary school arrangements or propose to close two primary schools.
- 4.2 The Council has previously sought to make changes to primary school PANs to reduce the number of unfilled places, with varying levels of success. The number of unfilled places and the complexity in decision making has meant that Council has concluded it must seek to propose the closure of two primary schools and reduce the PAN of 9 other primary schools.
- 4.3 The Council could seek to solely propose the closure of schools as a way of reducing surplus places. However, this approach could risk the ability of the council to ensure sufficient school places in the decades to follow and will mean that communities are left without a school to attend, within a reasonable distance.
- 4.4 If future pupil numbers continue to fall, it is possible that these proposals and those in the accompanying paper will not reduce the number of unfilled places sufficiently. Further proposals may be required alongside other approaches to support the on-going viability of the city's schools.

5. Community engagement and consultation

- 5.1 If agreed, it is proposed to start the consultation on the proposal to close the two schools on Tuesday 7 November 2023 and for it to be concluded on 22 December 2023. A total of 6 weeks and 3 days.
- 5.2 It is proposed that there will be three engagement events to cover the proposal for each school in this report.
- 5.3 A consultation response form will be available on the council's consultation portal and interested parties will be able to leave a phone message for someone to call them back and take down their response over the telephone, should they not be able to complete a response form online.
- 5.4 Attention will be given to engaging sections of the community who may not previously have participated with public consultations such as those with protected characteristics and this is considered within the Equalities Impact Assessment (Appendix 2).

6. Conclusion

- 6.1 The Council is seeking to reduce the number of surplus places through a programme of PAN reductions and school closures.

- 6.2 It is proposed to consult on the closure of St Bartholomew's C of E Primary School and St Peter's Community Primary School and for these closures to take effect on 31 August 2024.
- 6.3 A consultation period will run from Tuesday 7 November to Friday 22 December 2024 and a report on the results and proposals for next steps will come to the Children, Families & Schools Committee on 8 January 2024.
- 6.4 The Council recognises that these proposals will be concerning for the pupils, families and staff of these schools and is committed to minimise the disruptions that will result from these proposals being implemented.

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 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 total deficit of both schools by the end of the academic year 2023/24 is estimated to be £400k 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: (19/10/23)

8. Legal implications

- 8.1 Local authorities are under a statutory duty to ensure that there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. To help local authorities to meet their duties and restructure local provision, they have the power to close all categories of local authority, maintained schools. Reasons for closing a maintained mainstream school include where it is surplus to requirements (for example

there are sufficient places in neighbouring schools to accommodate displaced pupils).

- 8.2 In order to effect a school closure the Council must comply with the statutory provisions contained in the Education and Inspections Act 2006, associated Regulations and the Statutory Guidance "Opening and Closing Maintained Schools, Guidance for proposers and decision-makers" January 2023. The Guidance includes statutory processes, guidance on consultation and guidance for decision makers when determining proposals. Proposers and decision makers must have regard to it when closing an existing maintained school.
- 8.3 The first stage of the process requires the proposer to consult with any parties that the proposer thinks appropriate. It is for the proposer to determine the length and nature of the consultation.
- 8.4 The outcome of the consultation will be brought back to committee for consideration in January 2024. At that stage a decision will be made whether to move to the next stage of the process and publish statutory notices.

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

9. Equalities implications

- 9.1 An Equality Impact Assessment has been carried out on the proposals being recommended to the committee. The assessment can be found at Appendix 2 and the results have been incorporated into the content of the report.
- 9.2 It is worth noting that the admission process is 'blind', by virtue of applications being considered in line with the published admission arrangements that do not take account of a person's protected characteristics.
- 9.3 However, the availability of school places across the city could have an impact on certain groups due to their proximity to certain schools and the availability of places should families make a late application.
- 9.4 The consultation process needs to take account of:
- young parents who may be less likely to respond to the consultation
 - issues of accessibility and comprehension of the consultation process the materials made available
 - ensuring that the decision-making process after the consultation is based on the content not just quantity of replies.
- 9.5 When determining admission arrangements, the council needs to ensure that there are sufficient school places available within a reasonable distance for families who may contain members who have special educational needs, disabilities, speak English as an additional language and of various

racess/ethnicities. This will ensure that if families apply after the deadline date they will not be significantly disadvantaged and face the prospect of a lengthy journey to school.

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

9.7 A financially viable school is essential to be able to meet the needs of all those pupils who attend the school and to be able to meet the needs of the community and the inequalities they may experience.

10. Sustainability implications

10.1 Wherever possible the council aims to reduce the number of journeys to school undertaken by car. A reduction in the availability of school places across the city by the closure of two primary schools could risk a rise in the number of journeys undertaken by car.

10.2 Schools are expected to have a School Travel Plan to:

- reduce the number of vehicles on the journey to school
- improve safety on the journey to school
- encourage more active and sustainable travel choices

10.3 Any change to schools' intakes of pupils because of other schools closing will require their travel plans to be re-written to take account of the change.

10.4 Many primary schools are clustered in areas which means that a school closure will not mean a significant increase in journeys to other schools. The consultation period will be an opportunity to explore what the potential impacts of these proposed closures will be and the report to committee in January can be expected to detail these in more detail.

10.5 Consideration will need to be given to the use of the vacant school site should the proposals be agreed so that the negative impacts on the current habitat are minimized and the future use of the accommodation and the site reflect sustainability principles.

11. Other Implications

11.1 The School Admissions Code requires all schools to have oversubscription criteria for each 'relevant age group' and the highest priority must be given, unless otherwise provided in the Code, to looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.

11.2 These priorities will ensure that for pupils who are care experienced, they will receive the highest priority for a place in a different school, should the school they currently attend close.

Supporting Documentation

1. Appendices

1. Pupil forecast
2. Equality Impact Assessment

