

Brighton & Hove City Council

Children, Families & Schools Committee

Agenda Item 24

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

Date of meeting: 11 September 2023

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 This report provides an update on the outcome of the recent public consultation and seeks approval to proceed to the next stage of the statutory process, which is the publication of Statutory Notices.

2. Recommendations

2.1 That Committee note the responses to the consultation undertaken regarding the proposal to create a one form entry Hertford primary school on one site and for this to be implemented by relocating Hertford Infant School to the junior school site and extending the age range to pupils aged 4-11 years.

2.2 That Committee agree to the publication of the required Statutory Notices to progress this proposal.

2.3 That Committee note that following the statutory notice period the matter is referred back to the meeting of the Children, Families & Schools Committee on 6 November 2023 for a final decision.

3. Context and background information

3.1 During Autumn 2022 the Council undertook a consultation on admission arrangements for September 2023. It was proposed to reduce the PAN of Hertford Infant School to 30 pupils to “help facilitate a move to a single form entry primary school, on one site, in the future”.

3.2 At the meeting of Children, Families and Schools Committee on 12 June 2023 it was agreed for a consultation to start on the proposed amalgamation of the infant and junior schools on 19 June 2023 and close on 31 July 2023. There were three public meetings scheduled to consider the proposals on 26, 27 June and 5 July.

3.3 These were attended by a total of 18 people and the following themes were explored:

- What will happen to the nursery provision on the infant school's site?
- The impact of the loss of the infant school site on the community and the future use of the site.
- Whether any other schools locally have been asked to reduce their PAN
- Whether the junior site was large and suitable enough to accommodate all the pupils currently at the school
- Whether the LA had considered what would happen in the event that pupil numbers start to rise again in the future
- The impact on the proposals for pupils with SEND
- The impact on traffic around the junior site

3.4 A response form was hosted on the council's website <https://consultations.brighton-hove.gov.uk/> and a total of 42 responses were received. In addition, a small number of responses were received on paper.

3.5 The responses ranged in views and the responses received to the direct questions were as follows:

- How much do you agree or disagree that a one form entry 'Hertford' primary school should be created on one site?

	Strongly agree	Tend to agree	Neither agree or disagree	Tend to disagree	Strongly disagree
All responses (47 replies)	30%	13%	2%	4%	51%
Local residents only (20 replies)	25%	10%	0%	0%	65%
Parent/Guardian affected by the proposals (11 replies)	36.5%	36.5%	9%	9%	9%

In total, 55% of responses disagreed with the proposal. However, 73% of those responding who were parents/guardians affected by the proposal agreed with the approach.

- Do you agree or disagree with the proposal to move Hertford Infant School from Hertford Road to the Hertford Junior School site on Lynchet Close?

	Strongly agree	Tend to agree	Neither agree or disagree	Tend to disagree	Strongly disagree
All responses (47 replies)	28%	11%	2%	4%	55%
Local residents only (20 replies)	20%	10%	0%	0%	70%
Parent/Guardian affected by the proposals (11 replies)	37%	27%	9%	9%	18%

In total, 59% of responses disagreed with the proposal. However, 64% of those responding who were parents/guardians affected by the proposal agreed with the approach.

- In order to achieve an all through primary school the infant and junior school will need to merge. The legal process requires one school to expand (Hertford Infant) and the other to close (Hertford Junior). Do you agree or disagree with this?

	Strongly agree	Tend to agree	Neither agree or disagree	Tend to disagree	Strongly disagree
All responses (47 replies)	19%	17%	4%	7%	53%
Local residents only (20 replies)	10%	20%	0%	0%	70%
Parent/Guardian affected by the proposals (11 replies)	27.5%	27%	9%	27.5%	9%

In total, 60% of responses disagreed with the proposal. However, 54.5% of those responding who were parents/guardians affected by the proposal agreed with the approach.

- 3.6 Respondents were also offered the opportunity to submit any comments on the proposals for the future of Hertford Infant and Hertford Junior schools. Those supporting the proposals referenced the need for financial viability, the protection of a school provision in the community with the potential to expand and saw it as a logical response to the problems being encountered.
- 3.7 Those objecting to the proposals questioned the appropriateness of making a decision based on short term data, the risk that the move to one school could lead to future academisation and a loss of a community resource of historical and environmental importance. There was also concern about the

potential selling off of a council asset, a concern that other schools are too big, the implication on traffic leading to and on Lynchet Close, as well as a sense of incomplete data at the time of the consultation, especially on the school's budgets, to fully inform a response. It was felt that a potential change in national government could improve the fortunes of both schools with greater funding being allocated to schools in the future.

3.8 In order to legally effect the proposed changes the Local Authority is required to comply with a statutory process set out in the Education and Inspections Act 2006. This has five stages:

- Stage 1 Consultation – when proposals are launched
- Stage 2 Publication of statutory notices
- Stage 3 Representation period of 4 weeks for further submission of comments on the proposals
- Stage 4 Decision - the Council must decide on a proposal within 2 months of the end of the representation period
- Stage 5 Implementation – there is no prescribed timescale within which closure/agreed alterations must happen, although there must be good justification if it is longer than 3 years.

3.9 It is recommended that, under stage 3 of the process, it is agreed that statutory notices are published.

3.10 Following publication of the notices there will be a period of 4 weeks during which any person or organisation can submit comments on the proposal to the Council. At the end of the representation period a further report will be presented to the Children, Families & Schools Committee on 6 November 2023 so that a decision can be made. It is intended that if agreed the amalgamation of the schools will take effect from September 2024.

3.11 As outlined previously, the council has no plans for any surplus accommodation that may become available as a result of the proposals under consideration. The council would require the prior consent of the Secretary of State for Education to dispose of, or change the use of, any school land and buildings that was deemed surplus to requirements.

3.12 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.

4. Analysis and consideration of alternative options

4.1 The alternative option would be for the two schools, under the federated governing body to continue to operate as separate infant and junior schools. It has been identified that this will place both schools under further financial pressure and, as a result, could lead to a deterioration in the quality of education provided at the schools. The Council's policy is based on sound

educational and organisational reasons and the rationale for the amalgamation has been strongly supported through the consultation.

5. Community engagement and consultation

- 5.1 The consultation was launched on 19 June 2023. It was also published on the weekly schools bulletin circulated to all maintained schools in the city and Chairs of Governors. As part of the public consultation process three public meetings were held. The meetings were noted and a summary is available to Members on request.
- 5.2 The responses to the consultation exercise has been collated and analysed and are outlined above. In summary 47 responses were received of which 43% were in favour of the proposal to create a one form entry 'Hertford' primary school on one site and 55% were against the proposal.
- 5.3 Those in support of the proposal commented upon the need to take steps to address the issues both schools are facing on the understanding that the school could potentially grow to 2 forms of entry in the future, if required.
- 5.4 The responses opposed to the proposal raised concerns about the loss of a community resource, the short-term nature of the decision, the suitability of the junior school site and the impact on the community being as a direct result of other schools in the vicinity being too large or previously expanded to the detriment of the Hertford schools.

6. Conclusion

- 6.1 The consultation was launched on 19 June 2023. The response received showed the majority of responders disagreed with the proposals. Yet, the responses of parents/carers who are affected by the proposals and those who are either governors or staff at each school agree with the proposals.
- 6.2 It is recommended that Statutory Notices are published on 15 September 2023 and that the Children, Families & Schools Committee receive a further report on 6 November 2023 for a final decision.

7. Financial implications

- 7.1 In proposing to amalgamate Hertford Infant School and Hertford Junior School to one site as an all through primary school there are certain arrangements regarding the calculation of the future years' budgets, particularly the lump sum element of funding that need to be considered.
- 7.2 In terms of the forward calculation of a merged school budget (assuming a full amalgamation) after 1st April in any given year, the new school will receive funding equivalent to the formula funding of the closing 2 schools for the appropriate portion of the year (i.e. 7/12ths if an amalgamation takes effect from September). This means the new school will receive the full combined lump sum allocation for the 2 predecessor schools for the remainder of that financial year. From the start of the next financial year the

new school will receive 85% of the total of the predecessor schools' lump sums for one financial year. This would then reduce to one lump sum allocation the year after.

- 7.3 The LA is working closely with the schools to ensure future potential budget allocations are accurately modelled.
- 7.4 At the point of an amalgamation there will be a residual revenue balance held by the closing school. Based on the school budget plan for 2023-24 this is likely to be a deficit balance. Discussion will be required between the school and the local authority regarding how this will be managed.

Name of finance officer consulted: Steve Williams Date consulted:
26.07.23

8. Legal implications

- 8.1 In order to achieve the proposed amalgamation it will be necessary to close Hertford Infant School and extend the age range of Hertford Junior School to admit pupils aged from 4 to 11. Statutory notices will need to be published in accordance with the Education and Inspections Act 2006, as amended, and associated Regulations. Following publication of the notices there will be a period of 4 weeks during which any person or organisation can submit comments on the proposal to the Council. At the end of the representation period a decision must be made on the proposal within 2 months.
- 8.2 It is intended that if the two schools amalgamate this should take effect in September 2024. The deadline for expressing preferences for an infant/primary school place is 15 January 2024. In order to provide parents with the fullest possible information regarding the possible change and to avoid a potential breach of the School Admissions Code it is important that the final decision on the proposal is published in good time before the deadline for applications. The recommendation does not allow for a decision to be made in time to be included in the admissions booklet for 2024/25, due for publication in August 2023. However, the admissions booklet can alert parents to the prospect of a decision being made at the Children, Families and Schools Committee meeting in November 2023.

Name of lawyer consulted: Serena Kynaston Date consulted: 26.07.2023

9. Equalities implications

- 9.1 An Equality Impact Assessment has not been completed, it is forecast that the proposal to create a one form entry primary school will ensure that there are sufficient school places in the area to meet the needs of parents who wish for their children and for the school to be able to operate in a financially efficient way that ensures the school can maintain a quality education experience for pupils.
- 9.2 The consultation responses did not indicate any significant negative impacts on people because of their protected characteristics.

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

10. Sustainability implications

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

