

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	Brackenburg 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.

	Current Year group						
School (distance from St	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.