

# **CHILDREN, YOUNG PEOPLE & SKILLS COMMITTEE ADDENDUM 1**

**4.00PM, MONDAY, 9 JANUARY 2023**

**COUNCIL CHAMBER, HOVE TOWN HALL**

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# ADDENDUM

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# Brighton & Hove City Council

## Children Young People & Skills Committee

## Agenda Item 35(b)

**Subject: Public Involvement – Written Questions**

**Date of meeting: 9 January 2023**

### WRITTEN QUESTIONS

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for questions submitted by a member of the public.

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from members of the public:

#### 1. Bright Start Nursery

Name: Ms S Perera

The Council has stated that it will attempt to minimise the impact of the Bright Start closure by working with various council services to place the children who will be affected. Can the Council explain exactly how this will happen, given the crisis of recruitment in Early Years, the decade of cuts to child services and the Council's own cost-saving strategy of not filling the vacant positions across the Council? What are the anticipated costs of mitigation measures and might they cancel out and savings from closing Bright Start?

#### 2. Funding of Childcare Facilities

Name: Mr P Gilbert

The Argus reports that £1.5m will be raised from the community infrastructure levy by Summer 2023. On 13 December government clarified this can be used to fund childcare facilities. In addition, the delayed Whitehall settlement for Local Authority funding which was announced on 20 December has been welcomed by many councils across the UK for providing an unexpected 9% increase on last year. In light of these developments, how has Council reconsidered its decision to close the vital children's services which support vulnerable children in the city centre including those from low income households, refugee families and children with SEND?





Brighton & Hove  
City Council

# Home Office UASC Hotels

Presentation to CYPS 9<sup>th</sup> Jan 2023

Justin Grantham Head of Safeguarding &  
Performance, FCL

# Local Context

- BHCC Commitment as a City of Sanctuary
- UASC dedicated Team
- The Home Office national expectations (0.7% - 37 to 0.1% 50 August 2022). National Transfer Scheme.
- Recent increase in spontaneous arrivals
- Impact of Home Office provision for AS Adults in hotels
- Finances – Placement and staffing costs outweigh grant funding. Home Office Funding Pilot Announced (16/12) may ease this pressure going forward.

# National Context

- July 2021 – Home Office Emergency Response to small boat crossings. Extension to the Kent Intake Centre.
- Hotel opens in Hove
- Home Office notification to the LA and planning
- Urgent BHCC response alongside partner agencies
- Development period of systems and processes that the Home Office now share as their practice model.

# BHCC Critical Challenge Role

- Safeguarding Challenge and Reassurance
- Front Door For Families role
- MARS/ Missing Children processes
- Reassurance Visits
- Multi-agency Approach, health, police, community safety and voluntary agencies involvement
- Funding from the Home Office to discharge critical challenge and safeguarding function



# Current Situation

- Approximately 1500 children have moved through the Home Office Hotels in Hove (16 months)
- 600 in the last 6 months
- Increased capacity via NTS to ensure stay in the hotel estate is minimised.
- Current numbers - 58 (19/12/22)
- Home Office aim to close Hotels from the end of Feb 2023
- Risk is that demand increases and there is a further need to use hotels to house children
- Pilot Home Office Funding announced to support LAs



# Brighton & Hove City Council

## Children, Young People & Skills Committee

## Agenda Item 41

**Subject:** Progress Report: Home to School Transport for Pupils with Special Needs and Other Social Care Transport Contract

**Date of meeting:** 9 January 2023

**Report of:** Executive Director of Families, Children and Learning

**Contact Officer:** Mia Bryden  
Mia.bryden@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) was due to administrative issues.

### For general release

#### 1. Purpose of the report and policy context

- 1.1 The purpose of this report is to describe the drivers of increased pressures on the home to school transport budget and service delivery.
- 1.2 In May 2019 the Local Government Association (LGA), supported by the County Councils Network (CCN), published a report which identified the total national deficit on home to school transport stood at £111m. No figures have been released post pandemic, but it is understood this figure has grown exponentially.

#### 2. Recommendations

- 2.1 That Committee notes the increased pressures on the home to school budget and service delivery.
- 2.2 That Committee rejects the request for an additional contract price uplift by three home to school transport operators.

#### 3. Context and background information

- 3.1 The current duty is for LAs to provide all eligible children between the ages of 5 and 16 with free transport to their education setting.

- 3.2 This legislation on free school transport only applies to children until the end of Year 11. Any arrangements for travel support for 16-19 are at the discretion of LA's and some operate a contribution towards travel costs for this age group, however BHCC currently provides free travel support to families on a low income and for some young people with a learning or a physical disability.
- 3.3 The LA also has a duty in respect of 'adult learners' (Post 19), covered by section 508F of the Education Act ("EA") 1996. Any transport arrangements provided under this duty must be free of charge.
- 3.4 There are currently eight operators who provide hired transport to 545 under 16-year-olds, and 104 16–18-year-olds. Six operators are taxi firms and three are Public Service Vehicle (PSV) providers (minibus/coach providers). The council currently employs two council drivers and seven vehicle passenger assistants.
- 3.5 The total budget available to provide home to school transport in 2022/23 is £3.883m, this is currently forecast to overspend by £1.213m due to a combination of increasing numbers of pupils eligible for transport and increasing operator contract costs per pupil.
- 3.6 The current total cost per pupil under 16 years of age is circa £7,274 per year (190 days) and £7,650 for 16–18-year-olds per year. Council spend on SEND transport has increased by 53% since 2019/20 and that is because of a 30% increase in the number of pupils transported, and a 17% increase in operators costs per pupil.
- 3.7 The current estimated spend across the eight HTST operators for the 2022/23 financial year is £ 4,207m to transport 605 learners with SEND.
- 3.8 The only source of comparable cost per pupil transported by other LAs, is the Local Authority Passenger Transport Survey, with data available from 2019/20. This shows that in 2019/20 BHCC were transporting proportionately less children than other LAs at a comparable cost per pupil.
- 3.9 There are several drivers for the increased pressures on the budget:
  - a. The growth in the number children with EHCPs, which has doubled since 2016, plus the number of children without ECHPs but who have a SEND diagnosis who are eligible for free transport. This is the case nationally as well as in the city. Without action to address the national policy and funding levers which are contributing to the rise in children with EHCPs, LAs have little opportunity to contain spending on SEND transport.
  - b. Routes are generally awarded to the 'lowest bidder' but the needs of children and young people must also always be an important consideration in route award. Contracts negotiated via the council are significantly more expensive than taxi firms charge parents directly.

- c. Statutory Guidance is broad, and whilst there is a duty to provide transport to eligible children aged 5-16 and post 19 learners, there are wider LA duties to provide transport to a broader cohort of residents and the LA cannot operate with a blanket refusal. The new proposed statutory guidance does little to reduce the duty on LA's and may even create additional requirements.
- d. There is a larger amount of more costly 'Travel Alone' journeys. These are necessitated by:
  - I. Increasing complexity of needs of children with profound and multiple disabilities. No council intervention can reduce this complexity.
  - II. Increasing numbers of children presenting with challenging behaviors on transport which puts either themselves, the driver or other road users at risk. The service works closely with parents, schools and other professionals to provide supportive strategies to reduce the need for single occupancy journeys based on behaviours that challenge, but it is not always appropriate for children to travel in a shared vehicle.
- e. There is clear correlation between available capacity in special schools as well as parental preference for children to be educated in out of city placements, and the spend on home to school transport. These journeys are costly due to mileage, the fact a vehicle passenger assistant is often required and the fact it is difficult to logistically combine journeys for pupils because to do so would make journey times unacceptably long. There are further challenges because children are often placed in special schools on an individual basis, as and when a suitable space becomes available, the net result is sub-optimal to efficient route planning. Mitigations include ensuring children are educated successfully within their local schools in a way that meets their needs and enables them to thrive.
- f. Where children are not going to their education setting Monday-Friday for a full day in one location, or are inconsistent attendees, transport is harder and more expensive to secure. Mitigations include targeted strategies in conjunction with SEND, other council services and education settings to improve attendance and timetabling.
- g. In some instances, more than one school or alternative provision will be named in order to best meet the needs of the child. In such circumstances transport is required for more than one setting which attracts a higher contract price. The educational needs of the child must come first, and transport must be provided to qualifying schools.
- h. It costs an estimated £865k to provide transport to young people between the ages of 16 and their 19th birthday. The costs are significant for this age group due to the fact that each young person's timetable differs

resulting in multiple journeys throughout the week and transport is currently provided door to door. Some LAs, including our neighboring authorities, only provide transport at the beginning and end of the college day, oftentimes with centralized pick up and drop off locations, and they operate a parental contribution towards travel for this age group.

- i. There is a lack of competition in the local market, which does not de-incentivize high contract costs, particularly for mini-bus providers. The service uses a Dynamic Purchasing System to procure operators. Dynamic Purchasing Systems were specifically introduced to open markets up to greater competition, reduce costs, and to encourage smaller suppliers.
- j. Nationally there are driver and vehicle passenger assistant shortages, and operators advise of increased overheads (wages, fuel, vehicle financing, insurance, CCTV rental, road taxes, maintenance and admin costs). This is pushing up contract prices. Workforce shortages disrupt and delay service delivery.

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

- 4.1 Annually, in October, operators are contractually entitled to request an uplift on initial contract prices. The contract provides: *The Council are not guaranteeing any uplift or minimum increase.* £50k was assumed in the forecast (over) spend for this October's operator uplift requests.
- 4.2 Despite there being no contractual obligation the council gave a 2% uplift on eligible routes where operators requested a higher contract price (3 operators). An uplift was not given on any routes which had already received an uplift, nor on routes which were awarded or re-awarded (after route handbacks, as described in September's committee paper) from January 2022. A real living wage payment has also been made to all operators, for all crews, across all home to school transport routes. The uplifts will be effective from April 2023 in line with the operator signed contract, new financial year and the according annual budget.
- 4.3 In April 2022 the service enacted a 3% increase on eligible routes to operators who requested an uplift, and in May 2022 the service made a one-off fuel payment to all operators, the calculation for which was described to the Committee in September.
- 4.4 In determining the latest financial uplift request, fuel prices were reviewed. At the time fuel prices were closely aligned to what they were reported as in March 2022, therefore there was little justification for operators requesting an uplift based on fuel prices where the route was awarded from mid-March 2022 onwards.
- 4.5 The approach taken by other LAs was also considered. It has to be stressed that HTST is operated differently across LAs, with some LAs operating a full

or partial in-house fleet, some with integrated transport units with the NHS and/or adult social care, some fully outsource to providers etc. Each LA also has their own eligibility and discretionary criteria, as well as there being a real difference in demand and profile of SEND need. The geographical footprint also obviously differs vastly from region to region. Therefore, whilst some authorities may appear to give a more substantial annual financial uplift, their contract prices may be lower than BHCCs, see 3.8.

- 4.6 When new children and young people join the service, as they do on a weekly basis, this creates 'contract variations' and the operators take those opportunities to increase their initial contract prices, this tends to range from £30 to £100 a day.
- 4.7 Following the 2% and real living wage uplift offered by the council, a request has been made by three operators for a 20% increase on all routes.
- 4.8 These three operators advise that if they do not receive a 20% uplift on contract prices, they will need to return routes they no longer feel are profitable. Returned routes can cause disruption and delays to the transportation of service users and can trigger some children to school refuse. It is not possible to estimate the number of routes that operators may return and therefore the impact this could have on individual children and young people is unknown.
- 4.9 There would be a further budget pressure, on top of the £1.213m overspend, of up to £0.111m if the requested increase is awarded on all HTST routes for these operators. This would obviously increase significantly if the rest of the operators requested a 20% increase. If this were to set a precedent an across the board 20% uplift in 23/24 would cost in the region of £0.950m.
- 4.10 There will also be budget pressures if routes are returned and re-awarded either to the same or another operator at a higher contract price. Without knowing which and how many routes these three operators would return it is not possible to advise on the specific budget pressures.
- 4.11 There are also risks with one Public Service Vehicle operator (operating three routes, with 14 CYP) who has advised they will need to cease providing a service for the council if do not receive their requested uplift. This would push contracts requiring the transportation of children, young people, and adult learners using larger wheelchairs to a minibus operator who charges between £224 and £392 a day, regardless of the number of passengers, and whose conduct of bidding on and returning routes for inflated contract prices adds an additional unbudgeted cost pressure to the service.
- 4.12 If routes are returned and another operator wins the route, the service will work with parents carers, schools and other professionals to transition children and young people into their new travel arrangements. We know how unsettling this can be. Whilst the service does it best to provide continuity of crews, in some instances, such as this, transport variations are unavoidable, and this is described in the Parent and Carer Agreement under 'Changes to

transport arrangements' which is signed by parent carers upon confirmation of eligibility for the service.

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

- 5.1 The service works in co-production with the Parent and Carers Council. A representative will provide a verbal update at Committee.

## **6. Conclusion**

- 6.1 There have been year on year cost pressures in this service area as the number of children eligible for free transport increases as does the costs operators charge. This is in line with other councils.
- 6.2 Actions that help to mitigate cost pressures for SEND transport include taking a strong strategic approach to SEND and inclusion; establishing clear leadership of SEND transport planning and joining-up across teams; developing a menu of travel assistance options, skillfully working with parents and schools; and working in partnership with schools and across services.
- 6.3 There is a tension at the heart of home to school transport policy between the responsibilities of parents in getting their children to school versus the expectations of parents in the level and type of assistance that local authorities can provide. Some of the reforms and cost reductions that the service has been trailing e.g Independent Travel Training and Personal Travel Budgets do not always work if the parent carer does not agree to these voluntary initiatives, for example 25 parents have been approached with the offer of free travel training for their child, 23 parents have declined.
- 6.4 Putting in place a good transport offer for young people at risk of poor attendance, attending multiple alternative provision sites, or getting back into college post-16 after a period of being NEET can all help with furthering the educational outcomes and life-chances for disadvantaged young people in keeping with the council's Education Disadvantaged Strategy, but they all require investment in transport over and above statutory requirements and such costs are generally absorbed by the home to school transport budget as additional cost pressures.
- 6.5 The service is primarily funded through council tax. The service should continue to adhere to the contract in place with operators and continue to ensure best value for public money.

## **7. Financial implications**

- 7.1 The total budget available to provide HTST in 2022/23 is £3.883m, this is currently forecast to overspend by £1.213m due to a combination of increasing pupils eligible for transport and increasing costs per pupil. The



detailed financial implications are contained within the main body of the report.

Name of finance officer consulted: David Ellis Date consulted 19/12/22

## **8. Legal implications**

- 8.1 There is no contractual obligation on the Council to increase the fees. There is a risk that increasing the fee where it is not a requirement in the contract could amount to a subsidy or a breach of the Council's fiduciary duty.

Name of lawyer consulted: Alice Rowland Date consulted 13/12/22

## **9. Equalities implications**

- 9.1 The statutory duty on the council to provide free Home to School Transport for children and young people with complex special educational needs and disabilities (SEND) is aimed at ensuring their access to schooling is assured, especially given mobility issues and the fact that the nearest suitable school may be further than for children without SEND. In arranging transport, the council must comply with the Equalities Act of 2010 which requires that children and young people with SEND are not treated 'less favorably' than their peers and that there is no indirect discrimination against their parents and carers by requiring of them more than would reasonably be required of other parents. An Equalities Impact Assessment is available in the options appraisal.

## **10. Sustainability implications**

- 10.1 The Education Act 2006 (as amended) places a general duty on the Council to promote the use of sustainable travel and transport. The duty applies to children and young people of compulsory school age and sixth-form age who travel to receive education or training in the Council's area.

## **Supporting Documentation**



# Brighton & Hove City Council

## Children, Young People & Skills Committee

## Agenda Item 43

**Subject:** School Admission Arrangements September 2024-25

**Date of meeting:** 09 January 2023

**Report of:** Executive Director Families, Children & Learning

**Contact Officer:** Name: Richard Barker, Head of School Organisation  
Tel: 01273 290732  
Email: [richard.barker@brighton-hove.gov.uk](mailto:richard.barker@brighton-hove.gov.uk)

**Ward(s) affected:** All

### For general release

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 timing and length of the consultation, as prescribed in the School Admission Code, meant it did not conclude until 31 December 2022 and a period of time was required to analyse and report on the responses received. The summary of responses is included in this report and have informed the recommendations of the report.

### 1. Purpose of the report and policy context

- 1.1 This report details the proposed school admission arrangements for the city's schools, for which the Council is the admission authority, for the academic year 2024-25.
- 1.2 The report details the outcome of the consultation undertaken in November and December 2022 on the proposed changes to the Published Admission Number of two infant schools and one junior school.
- 1.3 The committee will be asked to approve the recommendations in this report and determine the admission arrangements, including the scheme for coordinated admissions and the "relevant area" for the academic year 2024-25.

### 2. Recommendations

- 2.1 That Committee agree to make no changes to the council's school admission arrangements or secondary school catchment areas, except for the changes listed in sub- paragraphs 2.2- 2.4 below.
- 2.2 That the committee agree to a change to the Published Admission Number (PAN) for Downs Infant School from 120 to 90 pupils

- 2.3 That the committee agree to a change to the Published Admission Number (PAN) for Hertford Infant School from 60 to 30 pupils
- 2.4 That the committee agree to a change to the Published Admission Number (PAN) for Hove Junior School - Holland Road from 96 to 64 pupils
- 2.5 That Committee agree to make no change to the coordinated scheme for admissions or to the “relevant area”.

### **3. Context and background information**

- 3.1 Admission Authorities are required to determine their admission arrangements annually. Where changes such as a decrease in the PAN are proposed the admission authority must first publicly consult on those proposed arrangements. The School Admissions Code sets out those groups and individuals who must be consulted.
- 3.2 Pupil numbers overall across the city have been falling and are forecast to continue to fall over the next few years.
- 3.3 Schools are funded by the government, not the council. The funding is largely done on a per-pupil basis and nearly all of it covers staffing costs. If schools don't have enough pupils attending or suffer from fluctuating numbers, they may not be able to operate in a financially efficient way and risk entering a budget deficit. If the number of surplus places in the city is not addressed some schools could face significant financial issues that will impact on their ability to sustain their school improvement journey. 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.
- 3.4 This comes at a time when schools are also facing several other financial pressures generated by the scale of government funding and inflationary pressures on areas such as staff costs, energy bills and other goods/services.

### **Consultation Approach**

- 3.5 The Regulations outline who must be consulted in relation to school admission arrangements. This includes parents of children between the ages of two and eighteen; other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions; all other admission authorities within the relevant area and any adjoining neighboring local authority areas, where the admission authority is the local authority.
- 3.6 On 14 November 2022, all schools were advised via a Schools Bulletin article, of the agreement of the CYP&S committee on 7 November 2022 to undertake a consultation on the proposed reduction of PAN at Downs Infant

school, Hertford Infant School and Hove Junior School – Holland Road. All documentations were supplied with the bulletin.

- 3.7 The consultation started on 14 November 2022 and closed on 31 December 2022. It was open for 7 weeks and a total of 48 days, meeting the 6-week minimum requirement outlined in the Schools Admission Code.
- 3.8 The council has endeavored to publicise the consultation by issuing a press release and advertising the consultation through various social media channels. Nursery and childcare providers in the city have been directly contacted to encourage participation in the consultation.
- 3.9 A series of public meetings were arranged to facilitate discussion about the proposals and to collect views. Three meetings were arranged with a focus on each infant school featuring in the proposals, one during the daytime and two in the early evening, one in person at the school and two held virtually through Microsoft Teams. An open, virtual meeting was also offered focusing on the proposals in general.
- 3.10 In total there were 27 attendees to virtual meetings and 24 attendees to in-person meetings and 7 responses to the online consultation response form.
- 3.11 An offer was made for parents to contact the council to discuss the proposals and provide verbal response to the consultation that could be recorded by officers; however, this offer was not taken up by any respondents.
- 3.12 Additionally, the Council endeavored to encourage responses to the consultation from groups in the city who might not usually participate with consultations on school admissions. PACC and Amaze issued information to parents in their community about the proposals and consultation and EMAS (Ethnic Minority Achievement Service) provided information, advice and assistance to complete the consultation to families through their Home:School Liaison workers.
- 3.13 In revised pupil forecasts, the Council is projecting that in September 2023 there will be 2169 applications leaving 531 places unfilled should no reduction of places take place.
- 3.14 In September 2024 pupil numbers are projected to be 2107 leaving 593 places unfilled if there is no change to current PANs and 563 unfilled places if the proposals in this report go ahead.
- 3.15 The first indication of pupil numbers in September 2026 forecast there will be 1948 applications leaving 752 surplus places unfilled should no further reduction of places take place and 692 surplus places if the proposals in this report go ahead.
- 3.16 The School Admission Code details that once admission arrangements have been determined for a particular school year, they cannot be revised downwards by the admission authority unless the admission authority

consider such changes to be necessary in view of a “major change in circumstances”. Such proposals must be referred to the Schools Adjudicator for approval.

### **Downs Infant School**

3.27 There were 6 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 2 below. In total 2 respondents (29%) tended to disagree or strongly disagreed with this proposal compared to 4 respondents (57%) who strongly agreed or tended to agree with this proposal. 1 respondent (14%) didn't offer an opinion or didn't answer the question.

3.28 Comments on the question included concern about the impact of sibling links and the number of places that would be available for other children and the need for the PAN at the linked junior school to be reduced in the future to match the infant school PAN.

3.29 Discussion at the public meetings was generally in favour of the proposal.

**Table 2**

<b>Option - to reduce the PAN at Downs</b>	<b>Total</b>	<b>Percent</b>
<b>Strongly agree</b>	1	14
<b>Tend to agree</b>	3	43
<b>Neither agree nor disagree</b>	0	
<b>Tend to disagree</b>	0	
<b>Strongly disagree</b>	2	29
<b>Don't know / not sure</b>	0	
<b>Not Answered</b>	1	14

### **Hertford Infant School**

3.30 There were 7 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 3 below. In total 2 respondents (28.5%) tended to disagree or strongly disagreed with this proposal compared to 3 respondents (43%) who strongly agreed or tended to agree with this proposal. 2 respondents (28.5%) didn't offer an opinion or didn't answer the question.

3.31 Several responses raised concerns about potential of staff redundancies with a reducing PAN, and the impact on children who have additional needs as the proportion would be higher than in a larger school.

3.32 Although not part of the council's admission arrangements, an additional question was asked seeking respondents' views about the possibility of Hertford Infant & Junior schools coming together on one site. Questions were raised about which site would be selected and potential benefits/problems with each site were indicated. Comments made through the consultation portal and in the public meetings in response to this question were positive.

**Table 3**

<b>Option - to reduce the PAN at Hertford</b>	<b>Total</b>	<b>Percent</b>
<b>Strongly agree</b>	1	14
<b>Tend to agree</b>	2	29
<b>Neither agree nor disagree</b>	1	14
<b>Tend to disagree</b>	1	14
<b>Strongly disagree</b>	1	14
<b>Don't know / not sure</b>	1	14
<b>Not Answered</b>	0	0

3.33 An additional question was asked about respondents' views on the Hertford schools coming together in the future on one site. One response was made indicating that this seemed a sensible approach.

#### **Hove Junior School – Holland Road**

3.34 There were 6 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 4 below. In total no respondents tended to disagree or strongly disagreed with this proposal compared to 3 respondents (50%) who strongly agreed or tended to agree with this proposal. 3 respondents (50%) didn't offer an opinion or didn't answer the question.

3.35 There were no comments made in relation to this question.

**Table 4**

<b>Option- to reduce the PAN at Hove Jn – Holland Rd</b>	<b>Total</b>	<b>Percent</b>
<b>Strongly agree</b>	1	14
<b>Tend to agree</b>	2	29
<b>Neither agree nor disagree</b>	1	14
<b>Tend to disagree</b>	0	0
<b>Strongly disagree</b>	0	0
<b>Don't know / not sure</b>	2	29
<b>Not Answered</b>	1	14

#### **Secondary school admission arrangements**

3.36 There were no responses provided to this part of the consultation. Therefore, it is recommended that no change is made to the secondary school admission arrangements.

#### **Infant & Primary school admission arrangements**

3.37 There were no responses provided to this part of the consultation. Therefore, it is recommended that no change is made to the Infant & Primary school admission arrangements.

## **The co-ordinated admission schemes for 2024/25**

3.38 There were no responses received regarding this matter. Therefore, it is recommended that no change is made to these schemes.

### **The 'relevant area' for consultation**

3.39 There was one response provided to this part of the consultation highlighting a potential risk of further oversubscription to some schools if the area was expanded. It is recommended that no change is made to the 'relevant area as currently stated.

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

4.1 The Council only consulted upon proposals to reduce the PAN at the three schools detailed in this report. Any additional changes to other schools were not considered as part of a public consultation and therefore the views of the community on those alterations would not be known. Under the School Admission Code this must be undertaken following a consultation with the governing body. All admission authorities must consult where they propose a decrease to the PAN. Community schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection.

4.2 The Council could seek to make no change to the PAN of any school. Whilst this may ensure the council can meet a high level of parental preferences it places more schools at risk of financial difficulty.

4.3 It is possible for the Council to seek agreement from the Schools Adjudicator for a variation to the PAN of schools with effect from September 2024 after notifying all other admission authorities within the relevant area. This needs to follow a major change in circumstances which, the council would need to argue, could include details of actual preferences received for specific schools from January 2024 onwards.

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

5.1 The Council scrutinised the Voluntary Aided (VA) Schools, Academies and Free Schools' proposed admission arrangements for 2024/25. VA schools are required to consult their religious authority (in this case the Diocesan Authority) before consulting others. The Council will review the final document published by the Governing Bodies and trusts before deciding whether it should comment or act further.

5.2 The Council has met with all Headteachers and Chairs of Governors of larger primary schools in the city to discuss whether a future reduction in PAN was a proposal that they would wish to undertake. No other schools have yet indicated a willingness to undertake such a reduction. The council is committed to continuing this discussion.



- 5.3 Three public meetings, one during the day and two in the early evening were facilitated for each of the infant schools where there is a proposed reduction in PAN. One of these meetings was in person at the school and the others were held virtually. An additional open, virtual meeting where also held giving interested parties the opportunity to discuss the proposals in general. The virtual meetings were conducted through Microsoft Teams. There was a range of attendance from one parent at one event up to 6 participants at another.
- 5.4 The consultation started on 14 November 2022 and closed on 31 December 2022. Information about the consultation and links to the virtual public meetings was available on the council's website [www.brighton-hove.gov.uk/SchoolAdmissionsConsultation](http://www.brighton-hove.gov.uk/SchoolAdmissionsConsultation).
- 5.5 Responses could be provided to the consultation through the council's consultation portal <https://consultations.brighton-hove.gov.uk> or by email to the school admission team. Notes of any themes raised at the public meetings were recorded and there was the opportunity for parents to provide a verbal response to the consultation by telephone.
- 5.6 An Equalities Impact Assessment was conducted to ensure that the consultation was conducted to ensure that groups with protected characteristics were included.

## **6. Conclusion**

- 6.1 After consultation it is proposed to make no changes to admission arrangements or catchment areas (other than the ones outlined below)
- 6.2 It is proposed that the Published Admission Number for Downs Infant School is reduced from 120 places to 90 places. This will support a reduction in the amount of surplus primary school places available in the city in September 2024.
- 6.3 It is proposed that the Published Admission Number for Hertford Infant School is reduced from 60 places to 30 places. This will support a reduction in the amount of surplus primary school places available in the city in September 2024. It will also help facilitate a move to a single form entry primary school, on one site, in the future.
- 6.4 It is proposed that the Published Admission Number for Hove Junior School (Holland Road site) is reduced from 96 places to 64 places. This will align with the Published Admission Number of the linked infant school and will support a reduction in the number of surplus primary school places available in the city in September 2024.
- 6.5 After admission arrangements are determined a variation can only be revised by detailing the "major change in circumstances" to the Schools Adjudicator and obtaining their approval.

## **7. Financial implications**

7.1 School budgets are determined in accordance with criteria set by the government and school funding regulations dictate that at least 80% of the delegated schools block of funding must be allocated through pupil-led factors. This means that 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 Without a planned reduction in PAN it will be challenging for those schools to plan ahead for staff reductions and set a balanced budget. For the schools where reductions in PANs are proposed there will be direct implications and the need to plan future years' budgets to reflect lower pupil numbers and the consequent impact on budget allocations. However, planned reductions in PANs may mean schools are more likely to be able to balance their budgets if operating with full forms of entry.

7.3 The proposal to decrease the PAN for a number of schools is intended to reduce the number of surplus school places to safeguard and indirectly benefit the wider provision across the city.

Name of finance officer consulted: Steve Williams Date consulted: 14/12/22

## **8. Legal implications**

8.1 Section 88C of the School Standards and Framework Act 1998 and the School Admissions (Admissions Arrangements and Co-ordination of Admission Arrangements) Regulations 2012 require admission authorities to determine their admission arrangements annually. Arrangements must be determined 18 months in advance of the academic year to which they apply.

8.2 Where changes such as a decrease in the PAN are proposed to admission arrangements the admission authority must first publicly consult on those proposed arrangements. The School Admissions Code 2021 states that consultation must be for a minimum of six weeks and must take place between 1 October and 31 January of the school year before those arrangements are to apply. For the academic year 2024/25 the arrangements must therefore be determined by 28 February 2023.

8.3 Anybody or person who considers that the admission arrangements are unlawful, or not in compliance with the Code or relevant law relating to admissions, can make an objection to the Schools Adjudicator. In particular, paragraph 1.3 of the Code states that "Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection." Any objections to admission arrangements must be referred to the Schools Adjudicator by 15 May in the determination year i.e., by 15 May 2023 for the purposes of these admission arrangements.

8.4 As stated in the body of the report, Admission authorities may propose variations to determined arrangements, such as a reduction to the PAN of a school, to the Schools Adjudicator where they consider such changes necessary in view of

a 'major change of circumstance'. There is no definition of what would constitute a 'major change in circumstance' in the legislation or Code. There is therefore no guarantee that the Adjudicator would view a reduction in the number of applicants to a school as a major change in circumstances which would justify a reduction in the PAN. The Authority must consult the governing body of the school before making any such a referral.

8.5 The 1998 Act also requires local authorities to establish a relevant area in which admission authorities must consult regarding their admission arrangements. The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999 requires LAs to consult on these proposals every two years.

Name of lawyer consulted: Serena Kynaston      Date consulted: 12.12.2022

## **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 5 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 by virtue of their proximity to certain schools and the availability of places should families make a late application.

9.4 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 races/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.

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

## **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 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 in PAN is expected to require the school's travel plan to be re-written to take account of the change.
- 10.4 Many primary schools are clustered in areas which means that a reduction in places will not mean a significant increase in journeys to other schools.
- 10.5 It is recognised that schools are at the heart of their communities and have a significant role to play for families in supporting their local community. However, in the longer term the reduction in pupil numbers could lead to schools having additional financial pressures which could threaten their long-term viability.

## **Supporting Documentation**

### **1. Appendices**

Appendix 1 - Published Admission Numbers

Appendix 2 - Admission arrangements and priorities for community primary and secondary schools

Appendix 3 - Coordinated scheme of admissions – primary.

Appendix 4 - Coordinated scheme of admissions – secondary.

Appendix 5 – Equalities Impact Assessment