

Children, Young People & Skills Committee

Date: **11 January 2021**
Time: **4.00pm**
Venue **Council Chamber, Hove Town Hall**

Note: in response to current Government Regulations this meeting is being held as a virtual meeting for councillors and accessible via Skype. Public speaking and engagement opportunities will be made available.

The meeting will also be webcast live to the internet.

Members: **Councillors:** Clare (Chair), Hills (Deputy Chair), Allcock (Opposition Spokesperson), Brown (Group Spokesperson), Grimshaw, Hamilton, Lloyd, McNair, Nield and Simson

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AGENDA

51 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

52 MINUTES

7 - 18

To consider the minutes of the meeting held on 9 November 2020 (copy attached)

53 CHAIR'S COMMUNICATIONS

54 CALL OVER

55 PUBLIC INVOLVEMENT

19 - 24

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;

(i) Objection to PAN Proposal Benfield Primary School
Submitted by Ms H Keilthy

(ii) Save Hertford Nursery School
Submitted by Ms H Griffiths

Referred from Full Council held on 17 December 2020

(iii) Reduce the costs of secondary school uniforms in Brighton & Hove
Submitted by Ms E Daniel

- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 5 January 2021;

- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 5 January 2021.

56 MEMBER INVOLVEMENT

25 - 28

To consider the following matters raised by Councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;

- (b) **Written Questions:** to consider any written questions;

- (c) **Letters:** to consider any letters;

- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

Referred from Full Council held on 17 December 2020:

- (i) Power of Youth Charter

57 SEND SUMMER AND HALF TERM ACTIVITIES

Presentation from the Assistant Director Health, SEN and Disability

58 UPDATE ON THE HIDDEN CHILDREN STRATEGY

29 - 38

Report of the Executive Director Families Children & Learning (copy

attached)

Contact Officer: *Richard Barker*

Tel: 01273 290732

Ward Affected: *All Wards*

- 59 POWER OF YOUTH CHARTER 39 - 44**
- Report of the Executive Director Families Children & Learning (copy attached)
- Contact Officer: *Deborah Corbridge* Tel: 01273 29
Ward Affected: *All Wards*
- 60 RAISING LOWER AGE RANGE OF HERTFORD INFANT AND NURSERY SCHOOL FROM THREE TO FOUR YEARS AND CLOSURE OF NURSERY CLASS 45 - 62**
- Report of the Executive Director Families Children & Learning (copy attached)
- Contact Officer: *Vicky Jenkins* Tel: 01273 296110
Ward Affected: *All Wards*
- 61 SCHOOL ADMISSION ARRANGEMENTS 2022/23 63 - 142**
- Report of the Executive Director Families Children & Learning (copy attached)
- Contact Officer: *Richard Barker* Tel: 01273 290732
Ward Affected: *All Wards*
- 62 SCHOOL OFSTED PRESENTATION 143 - 150**
- Update on the latest Ofsted Inspections
- 63 INTRODUCTION OF A CHARGING POLICY FOR CHILDREN WHO ARE ACCOMMODATED AT THE REQUEST OF THEIR PARENTS UNDER SECTION 20 OF THE CHILDREN ACT 1989**
- Report of the Executive Director Families Children & Learning (copy to follow)
- 64 KINSHIP CARE SUPPORT OFFER**
- Report of the Executive Director Families Children & Learning (copy to follow)
- 65 FAMILIES, CHILDREN AND LEARNING FEES AND CHARGES 2021/22 151 - 158**
- Report of the Executive Director Families Children & Learning (copy attached)
- Contact Officer: *Caroline Parker* Tel: 01273 293587
Ward Affected: *All Wards*

- 66 COMPENSATION PAYMENT FOR EARLY YEARS PROVIDERS - RECORD OF URGENT DECISION** **159 - 170**
- Report of the Executive Director Families Children & Learning (copy attached)
- Contact Officer: Caroline Parker* *Tel: 01273 293587*
Ward Affected: All Wards
- 67 TRANS INCLUSION SCHOOLS TOOLKIT (4TH EDITION)** **171 - 176**
- Report of the Executive Director Families Children & Learning (copy attached)
- Contact Officer: Sam Beal* *Tel: 01273 293533*
Ward Affected: All Wards
- 68 ITEMS REFERRED FOR COUNCIL**
- To consider items to be submitted to the 28 January 2021 Council meeting for information.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Lisa Johnson, (01273 291228, email lisa.johnson@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Friday, 1 January 2021

BRIGHTON & HOVE CITY COUNCIL
CHILDREN, YOUNG PEOPLE & SKILLS COMMITTEE

4.00pm 9 NOVEMBER 2020

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present:

Councillors

Clare (Chair) Hills (Deputy Chair), Allcock (Opposition Spokesperson), Brown (Group Spokesperson), Hamilton, Lloyd, McNair, Nield, Simson and Williams

Co-optees

Mr T Cristin, Ms K James, Mr A Muirhead and Mr S Parr

PART ONE

34 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

34.1 Cllr Williams was present in substitution for Cllr Grimshaw
Mr S Parr was present as a substitute for Ms B Connor

(b) Declarations of Interest

34.2 Councillor Simson declared that she was a trustee of the Deans Youth Project

(c) Exclusion of Press and Public

34.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

34.4 **RESOLVED:** There were no part two in the agenda.

35 MINUTES

35.1 RESOLVED:

- (i) That the minutes of the meeting held on 14 September 2020 were agreed and signed as a correct record;

- (ii) That the minutes of the meeting held on 26 October 2020 were agreed and signed as a correct record

36 CHAIR'S COMMUNICATIONS

36.1 The Chair gave the following communication:

Welcome to this virtual meeting of the Children Young People & Skills Committee. Please note that this meeting is being webcast and is capable of repeat viewing.

At the special meeting of this committee a few weeks ago, I discussed food poverty and the provision of meals over half term. Since then, some of our officers have been working towards providing an offer for the winter break. This work may have now been overtaken – as the Government announced some very welcome funding late on Saturday night – so I look forward to us announcing soon how that funding will positively impact the lives of children and families in our city, once we have more detail.

However – I'm not celebrating too much. We are not out of the woods in protecting the lives of the most vulnerable children and families in our city yet.

A few weeks ago, the LGA made a call for central government to restore £1.7bn funding to children's services. And it's clear why. Not only have the services that support vulnerable children and families been some of the worst affected by ten years of Tory cuts, but the impact of Covid-19 has been profound.

At TBM 5 – this council reported a £20m deficit in our budget this year. Indications show this deficit is now going down and I hope TBM 7 reported at Decembers Policy & Resources Committee will show a further narrowing of our budget gap. But that narrowing won't be enough.

There could be cuts to services for children and families in our city in February's budget if we do not have intervention from Government to help us manage our budget deficit. This may mean that we lose some of those crucial preventative services. This is a false economy. To cut preventative services would be short sighted. But it is a challenge councils like ours are staring straight in the face, now more than ever, because of the impact of the pandemic.

In our second lockdown period, children and staff in our city are continuing to keep schools, colleges and universities open due to government directives to do so. So we don't take the idea of a second school closure lightly – but of course, we are constantly reviewing the situation and would support our schools and governing bodies in closing schools should we get to the point where they feel they need to close.

Having had an earlier lockdown period this year, I would be worried about the impact on the mental health and wellbeing of children and young people. It is partially for this reason that the Green Group put forward a notice of motion at October's full council to review the impact of the pandemic on the wellbeing of all. Having previously worked in a school myself, I also know that staff are often the people who spot early warning signs among some of the most vulnerable children, and intervene to protect their welfare.

Our schools and colleges have done an incredible amount of work to make our schools safe over the summer. Our officers have also just issued a new revised risk assessment to schools in the city which addresses the challenge of the winter period – how you ventilate a classroom while keeping staff and students able to learn.

We will keep this under review; and if the situation changes, we will look again. But while schools are working incredibly hard, they could still do with more support. That's why I have today written to the secretary of state for education to ask him to:

- Provide more funding to schools to help them manage the impact on their budget from increased costs
- Ensure that schools and colleges have access to regular, rapid testing whether people are symptomatic or not
- Fund the necessary PPE that staff and students are using and provide assurance the government is looking at sustainability with provision
- Support the wellbeing of senior staff in schools, including by committing to issuing guidance in good time in future and issuing guidance on whether schools and colleges should be preparing for a future scenario of blended or rota learning
- Cancel GCSE, SAT and A Level examinations in May and June 2021, as was done in this years exam period. The longer we wait for this cancellation, the more likely it is schools and colleges will be unprepared for this cancellation – so we'd welcome cancelling them now, rather than later.

37 CALL OVER

37.1 The following items on the agenda were reserved for discussion:

Item 40 - Launch of SEND Strategy 2020-2026

Item 41 - Home to School Transport: Findings of the Members Policy Panel

Item 42 - Progress Report on Home to School Transport Service

Item 43 – Youth Participation

- Item 44 – Youth Service Grants Programme
- Item 46 – Anti-racist Schools
- Item 48 – Emotional Wellbeing and Mental Health Support in Schools

37.2 The following items on the agenda were agreed without discussion:

- Item 45 – School Ofsted Presentation
- Item 47 – Additional Condition Funding Allocation
- Item 49 – Complex Adolescent Strategy 2020-2021

38 PUBLIC INVOLVEMENT

38(a) Petitions

38.1 There were no petitions.

38(b) Written Questions

38.2 Ms Pearson-Klein asked the following question:

Carbon emissions come from animal farming (including egg and dairy farming). Today's children need to move towards a more plant based diet to have a future on this planet, and we need to be encouraging them to do so. Therefore, I am asking the committee to ensure veganism is no longer side-lined as a 'special diet' in schools and that a vegan choice is available every lunchtime to all children in all schools, to enable them to make more responsible food choices.

38.3 The Chair gave the following response:

You're absolutely right about the climate impact from animal products. It's what encouraged me personally to switch to a vegetarian diet a few years ago. My partner is vegan and I know from eating with him the importance of widening the number of vegan options available – because it's astounding how much I can eat as a vegetarian that he can't. I want us to make this better.

The number of vegan children registered in the city currently is 40 children although there will likely be more children following a plant-based diet who don't access the school meals service. To ensure that no child is inadvertently fed dairy or eggs we register these children as receiving a 'special diet' but this is not to side-line this choice or treat the child as different but to ensure they receive appropriate foods. We will look at reviewing our use of language around this with our catering contractor. We will also review how we inform parents about the option of a vegan meal so that students and parents keen to make a choice to move to a plant-based diet can do so easily.

Brighton & Hove is a diverse city and we provide a school meal service that meets the needs of as many of our children as possible. Vegan options can be made available at each primary and special school, under our joint contract with Caterlink – our school meal suppliers. Eight of the Fifteen vegetarian dishes on the menu are already vegan but we need to do more to encourage a greater choice. Council officers have recently asked Caterlink to consider using Quorn products that have recently been made without

egg white, making them suitable for all. This will hopefully further widen the vegan options available. We will also discuss with Caterlink how the request for more vegan options and a shift of emphasis towards a plant-based diet can be introduced. We will also review how the tender for a school meals contract is specified to enhance the vegan option when it comes to re-tendering the service in the coming years.

38(c) Deputations

38.4 There were no Deputations.

39 MEMBER INVOLVEMENT

39 (a) Petitions

39.1 There were none

39 (b) Written Questions

39.2 There were none

39.3 (c) Letters

39.3 There were none

39 (d) Notices of Motion

39.4 There were none.

40 LAUNCH OF SEND STRATEGY 2021-2026

40.1 The Committee considered the report of the Executive Director Families Children & Learning which provided an analysis of the feedback from the recent consultation of the City's draft new SEND Strategy. The report was introduced by the Assistant Director - Health SEN & Disabilities, the Head of SEN Statutory Services and was accompanied by Ms F England (PaCC), Ms D Boyd (PaCC) and Ms K Chipping (CCG).

40.2 Councillor Hills asked with regard to a consultation point of view, what had been learnt from this which could be applied to other strategies. Officers said it was important to listen to your target audience.

40.3 Councillor Hills referred to paragraph 3.19 and suggested that the reason why 30%, neither agreed or disagreed with the governance arrangements was that they didn't understand the question and the notion of governance, and asked how that could be made clearer for future consultation. Officers agreed that the meaning of governance could be clearer and said that that word had been removed from the final document.

40.4 Councillor Brown asked if the Committee would receive an update on the delivery of the strategy and was advised that the intention was to provide an annual report to the Committee.

40.5 RESOLVED: That the Committee noted the feedback from the consultation and endorsed the final SEND Strategy which includes a new timescale for delivery.

41 HOME TO SCHOOL TRANSPORT: FINDINGS OF THE MEMBERS POLICY PANEL

- 41.1 The Chair said that as Item 41 '*Home to School Transport: Findings of the Members Policy Panel*' and Item 42 '*Progress Report on the Home to School Transport Service*' were linked there would be one discussion on both reports, with the reports' recommendations being taken separately.
- 41.2 The Committee considered the report of the Executive Director Families Children & Learning '*Home to School Transport: Findings of the Members Policy Panel*' which set out the findings and recommendations from the Member Policy Panel and which was introduced by Councillor Allcock, Chair of the Member Policy Panel, and the report of the Executive Director Families Children & Learning '*Progress Report on the Home to School Transport Service*' which provided an update and progress on the Home to School Transport (HTST) service and was introduced by the Assistant Director - Education & Skills.
- 41.3 Councillors Mears and Wares, as members of the Policy Panel, were invited to the meeting and the Chair asked if they wished to speak on the reports. Councillor Wares thanked everyone involved in the Policy Panel and for the report and was pleased that due to the issues raised the service was improving but noted that it still had some way to go. He noted that the report was silent on the judgement of Councillors and the inaction of the previous administration. The former administration had refused proper questioning and scrutiny when the problems were first raised, had wanted the Member Policy Panel disbanded before it had finished its work, had not supported the request for the service to be placed on the Corporate Risk Register and the former Chair of the Audit & Standards Committee had initially only authorised a desk-top survey of the concerns raised and had later refused an independent audit as it would be frivolous. Without the proper review the LGA may not have raised concerns over children's safeguarding and welfare and would not have criticised the Council for not understanding the risks that existed. Councillor Mears agreed with Councillor Wares' comments and said that it had been difficult to get Councillors and officers to take the matter forward. Whilst the service was now improving it was important to ensure that the recommendations in the report were taken forward and that this situation were not allowed to happen again.
- 41.4 The Chair accepted that the Green Group had been slow to recognise that the issues raised needed further investigation, but that a lot had been learnt from the review and was pleased that it had been undertaken.
- 41.5 Councillor Williams said that this matter showed how important it was that Councillors were fully informed when making decisions.
- 41.6 Councillor Brown thanked everyone for the very thorough review, said that it was important to rebuild trust with those affected by the HTST issue and for all departments to take the recommendations in the report forward.

41.7 Councillor Hills thanked Councillors Mears and Wares for pursuing the matter and said that it was important to vulnerable families that the correct service was provided and was pleased that 80% of parents now rated the service as Good. She noted that one principle from the review was supporting people with independent travel and asked how that was progressing. Officers said that they were currently speaking to two possible providers and a business case was being prepared as funding needed to be secured.

41.8 RESOLVED: That the Committee -

- (i) Noted and accepted the findings of the Member Policy Panel, given in appendix 1
- (ii) Noted the officer response, given in appendix 2
- (iii) Agreed that the findings and recommendations of the Members' Policy Panel were incorporated into the existing co-produced Home to School Transport (HTST) action plan
- (iv) Agreed that a further report come to a meeting of the CYPS Committee in the Spring of 2021, which would include progress on the implementation of agreed recommendations from the November 2020 report of the HTST Member Policy Panel. Then further updates to come every six months until Spring 2022.

42 PROGRESS REPORT ON HOME TO SCHOOL TRANSPORT SERVICE

42.1 This item was considered with Item 41.

42.2 RESOLVED: That the Committee –

- (i) Noted this report on the Home to School Transport Service;
- (ii) Agreed that a further report comes to a meeting of the CYPS Committee in the Spring of 2021, which will include progress on the implementation of agreed recommendations from the November 2020 report of the HTST Members' Policy Panel.

43 YOUTH PARTICIPATION

43.1 The Committee considered the report of the Executive Director Families Children & Learning which provided information on current youth participation practice in the city and put forward a proposal that would further involve young people in making decisions on services in the city that impact on them. The report was introduced by the Integrated Team for Families Manager and the Youth Work Co-ordinator and were accompanied by Charlotte Pemberton, a young person from Trust for Developing Communities (TDC).

43.2 The Youth Work Co-ordinator said that she had been working with young people on the Youth Review and the Youth Led Grants Programme. The Youth Participation Action Plan was all about what young people are telling us and their views on how the work currently being undertaken could be improved, and Charlotte had been invited to the meeting to have a brief question and answer session. They asked Charlotte how she

had been involved in youth participation, whether she felt that she had been listened to, if she had had any barriers to overcome and how the Council could improve. Charlotte said that she was a young volunteer with TDC in Mouslecoomb and had been involved with projects on Youth Led Grants, she felt that she and other young people had been listened to, she had autism and suffered with anxiety and migraines and had been able to overcome that to enable her to participate and with regard to improvement it was important to ensure that more young people were involved in decision making.

- 43.3 Councillor Lloyd asked how equalities groups were involved in the Action Plan and was advised that they were currently working with equalities groups, but due to the current pandemic it was taking longer to be able to communicate with young people from those groups.
- 43.4 Councillor Allcock asked if there were more opportunities for young people to be involved in the decision-making process, and officers suggested that more young people be involved with this committee.
- 43.5 **RESOLVED:** That the Committee noted and agreed the action plan developed by young people that would increase young people's involvement in making decisions that impact on them

44 YOUTH SERVICE GRANTS PROGRAMME

- 44.1 The Committee considered the report of the Executive Director Families Children & Learning which provided information on the current Youth Service Grants Programme, outlined the challenges regarding completing the recommissioning process within timescale and put forward a proposal to extend the current programme for a further 6 months. The report was introduced by the Integrated Team for Families Manager.
- 44.2 The Chair noted that the Conservative Group had submitted an amendment to the recommendations and asked Councillor Simson to propose the amendment.
- 44.3 Councillor Simson said that the report seemed to imply that the provision of a Central Hub was a given rather than something which was still in consultation. Therefore, the following amendment to Recommendation was proposed (changes in bold italic) to include the option to look at all future youth provision:
- 2.3 That this Committee is presented with various options ~~regarding developing a central youth hub along with detailed costings and financial implications and a decision made regarding how the Council proceeds~~ ***for future youth provision including the possibility of developing a central youth hub, along with detailed costings and financial implications so that a fully informed decision can be made regarding how the Council proceeds.***
- 44.4 Councillor Brown seconded the proposed amendment.
- 44.5 Councillors Lloyd and Allcock both agreed with and supported the proposed amendment.

44.6 Councillor Williams said that when the options were considered issue such as the provision of food and accommodation were included.

44.7 The Committee agreed the proposed amendment.

44.8 RESOLVED: That the Committee

- (i) Acknowledged the challenges in completing the recommissioning of the Youth Service Grants Programme within the required timescale.
- (ii) Agreed with the proposal to extend the current Youth Service Grants Programme for a further 6 months (until 30th September 2021).
- (iii) Agreed that the Committee is presented with various options for future youth provision including the possibility of developing a central youth hub, along with detailed costings and financial implications so that a fully informed decision can be made regarding how the Council proceeds.
- (iv) Agreed that a framework for the Youth Service Grant recommissioning process is presented to this Committee in March 2021

45 SCHOOL OFSTED PRESENTATION

45.1 The item was agreed without discussion

45.2 RESOLVED: That the Committee agreed that the presentation be noted.

46 ANTI-RACIST SCHOOLS

46.1 The Committee considered the report of the Executive Director Families Children & Schools which provided an update on the progress made since the Notice of Motion calling for more anti-racist action in schools was agreed at the meeting held in June 2020. The report was introduced by the Partnership Adviser Health & Wellbeing. Also in attendance to talk about the Brighton & Hove Educators of Colour Collective and the experiences of educators of colour in our schools were: Ms K Jordan (Patcham High School), Ms A Visvalingam (St Luke's Primary School), Ms F Sparham (Goldstone Primary), Ms L Soper (PaCC member and parent/carer of SEND child) and Ms P Knowles (Middle Street Primary School).

46.2 Councillor Simson said that it was important that school governors reflect the diversity of the schools and asked how the Council could promote that. Ms Jordan agreed that there should be better representation on governing bodies and that school governors should focus on preparing anti-racist strategies. Officers agreed and said that the recruitment of a more diverse governing body would be discussed at the next Governing Body Forum.

46.3 Councillor Nield said that the strategy was important and was pleased that it was being led by people of colour, and asked what steps were being taken to widen the consultation to bring more diverse voices in such as those who were Jewish. Officers said that the strategy was still in its early stages and an Advisory Group was being created and when in place they would look at how to include other minority groups.

46.4 Councillor Brown noted that nationally 17% of male teachers were from a BAME group and asked what the percentage was in schools in the City. Officers said they believed the number locally was less, but would find out the number.

46.5 Councillor McNair said that BAME included groups such as Travellers, Chinese etc and wanted to ensure that they were all included in the strategy. He said that it was important to teach children that they were all individuals and their voices counted.

46.6 Councillor Allcock welcomed the strategy and said that pupils did better when their voices were heard and hoped that the this would help social cohesion and so improve educational standards across the city.

46.7 RESOLVED: That the Committee -

- (i) Support the development of a strategy for anti-racist schools, which will be developed over the next three months, supported by engagement with educational settings and community partnerships;
- (ii) Agreed the principles of the draft strategy outlined in Appendix 1.

47 ADDITIONAL CONDITION FUNDING ALLOCATION

47.1 The item was agreed without discussion.

47.2 RESOLVED: That the Committee -

- (i) Agreed that the level of additional School Condition Allocation funding totalling £2.262 million for investment in improving the condition of school buildings be noted;
- (ii) Recommended that this allocation be added to the council Capital Investment Programme for expenditure in 2021/22;
- (iii) Agreed to recommend to Policy & Resources Committee that they grant delegated authority to the Assistant Director of Property & Design to procure the capital maintenance and basic need works and enter into contracts within these budgets, as required, in accordance with Contract Standing Orders in respect of the entire Education Capital Programme. With a focus upon the additional funding securing works which are, wherever possible, sustainable in their use of materials and method of delivery.

48 EMOTIONAL WELL-BEING AND MENTAL HEALTH SUPPORT IN SCHOOLS

48.1 The Committee considered the report of the Executive Director Families Children & Learning which updated the Committee on emotional well-being and mental health support in Schools. The report was introduced by the Council's Principal Educational Psychologist and the Team Lead (Schools Wellbeing Service).

- 48.2 Councillor Allcock noted that some performance measures were detailed in the report, but that it had not been possible to gather complete data on all areas as not all service users were completing the sessions required to monitor the activity. He asked how that was likely to develop and how challenges ahead would be addressed. Officers said that it was important to respond when there was a critical need, such as suicide or self-harm. Performance Measures were based on data captured by Care First (and would be moving to Eclipse). To measure the impact of the service provided pre and post measures of involvement was assessed, but not all service users gave feedback on completion of any intervention.
- 48.3 Councillor Allcock asked if the Committee could have a progress report for a future meeting, and the Chair agreed that that would be useful.
- 48.4 Councillor Brown asked if the time mental health workers were allocated to schools was sufficient. Officers said that the time allocated was reasonable, but all school leaders would welcome more time but to do that it would be necessary to have increased funding.
- 48.5 Councillor Nield asked if there were Performance Indicators to measure the outcomes on the CAMHS waiting lists. Officers said that the Performance Indicators was not a measure of the CAMHS waiting list, but was looking at successful intervention and meeting needs early to prevent people needing specialist CAMHS and other services
- 48.6 **RESOLVED:** That the committee noted the work being delivered in schools and colleges in Brighton and Hove.

49 COMPLEX ADOLESCENT STRATEGY 2020-21

- 49.1 The item was agreed without discussion.
- 49.2 **RESOLVED:** That the Committee approved the Complex Adolescent Strategy for Brighton & Hove 2020 - 23

50 ITEMS REFERRED FOR COUNCIL

- 50.1 **RESOLVED:** That no items be referred to Full Council being held on 17 December 2020.

The meeting concluded at 7.15 pm

Signed

Chair

Dated this

day of

Subject: Petitions
Date of Meeting: 11 January 2020
Report of: Monitoring Officer
Contact Officer: Name: Lisa Johnson **Tel:** 01273 291228
E-mail: lisa.johnson@brighton-hove.gov.uk
Wards Affected: Various

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To receive any petitions submitted directly to Democratic Services or any e-Petition submitted via the council's website.

2. RECOMMENDATIONS:

- 2.2 That the Committee responds to the petition either by noting, or where it is considered more appropriate, calls for an officer report on the matter.

3. PETITIONS

(i) Objection to PAN Proposal Benfield Primary School – Ms H Keilthy

To receive the following petition:

We the undersigned petition Brighton & Hove Council to reject the proposal to reduce the number of pupil places, based on a number of arguments already submitted to the council, through both consultation and follow up correspondence.

We strongly object to the proposal, we have already petitioned (successfully) against this in 2017 and we want to reiterate as before, that Benfield primary, which is stronger now than ever, is a child centric, well run, successful school that provides the diversity and choice that we need in this area.

(ii) Closure of Hertford Infant Nursery – Ms H Griffiths

To receive the following petition:

Reconsider the closure of Hertford Infants Nursery Provision in September 2021.

Why is this important?

The nursery is an integral part of a child's education and means that each child in the local area can attend the same site when they start nursery age 3 through to when they transfer to junior school. Transition becomes easier as friendships span through from the nursery setting into the infants. The nursery also offers the option of 15 free hours over term time, ensuring parents and carers can avoid additional costs which private settings often incur.

There are also plenty of families ready and waiting to use the existing provision and also those that would be happy to consider nursery and reception children coming together in their education setting if this helps keep the nursery open

Subject:	Reduce the Costs of Secondary School Uniform in Brighton and Hove – Items referred from the Council meeting held on 17 December 2020		
Date of Meeting:	11 January 2021		
Report of:	Executive Lead Officer for Strategy, Governance & Law		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To receive the following petition for consideration which was debated at and referred from the Council meeting held on the 17 December 2020.

2. RECOMMENDATIONS:

- 2.2 That the Committee responds to the petition either by noting it or writing to the petition organiser setting out the Council's views, or where it is considered more appropriate, calls for an officer report on the matter.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 The petition is detailed below:

REDUCE THE COSTS OF SECONDARY SCHOOL UNIFORM IN BRIGHTON & HOVE

Lead Petitioner – Emma Daniel

In our city, we already had some areas with high levels of child poverty. The economic impacts of the COVID crisis have made this situation even worse. 33,000 people were furloughed in our city and by June 2019 the numbers of households on Universal Credit had risen from 5,860 in February 2019 to 14,180 in May 2019.

Secondary schools in Brighton and Hove have branded items which you can only source from a single supplier. My daughter's school have branded PE socks at £7 a pair, white polo neck shirts with a tiny logo at £8.95 (available for £4 on the high street without the logo). Without the branding you can save nearly £40. In addition, people need to have multiple items such as 2 or 3 polo necks to send their kids to school clean and smart.

We challenge the heads to reduce the number of items with branding on to save hard pressed families money. No new uniform should cost more than £55 for mandatory items.

Poverty means that every penny spent on uniform is taken from something else that child needs. Providing discounts using pupil premium helps, but that could be spent on enrichment such as free school trips.

Please listen to the city's families and act.

- 3.1 An extract from the proceedings of the council meeting held on the 17 December is detailed below for information.

**COUNCIL
4.30pm 17 DECEMBER 2020
VIRTUAL**

MINUTES

Present: Councillors Robins (Chair), Mears (Deputy Chair), Allcock, Appich, Atkinson, Bagaeen, Barnett, Bell, Brennan, Brown, Childs, Clare, Davis, Deane, Druitt, Ebel, Evans, Fishleigh, Fowler, Gibson, Grimshaw, Hamilton, Heley, Henry, Hill, Hills, Hugh-Jones, Janio, Knight, Lewry, Littman, Lloyd, Mac Cafferty, McNair, Miller, Moonan, Nemeth, Nield, O'Quinn, Osborne, Peltzer Dunn, Phillips, Pissaridou, Platts, Powell, Shanks, Simson, C Theobald, Wares, West, Wilkinson, Williams and Yates.

PART ONE

66 PETITIONS FOR DEBATE.

**(3) REDUCE THE COSTS OF SECONDARY SCHOOL UNIFORM
IN BRIGHTON AD HOVE**

- 66.1 The Mayor stated that where a petition secured 1,250 or more signatures it could be debated at the council meeting. He had been made aware of three such petitions and would take each in turn.
- 66.2 He noted that there was amendment to the cover report's recommendation for the third petition which would be taken as part of the debate on the matter in question.
- 66.3 The Mayor then invited Emma Daniel to present the petition concerning the costs of secondary school uniform in Brighton and Hove.
- 66.4 Emma Daniel thanked the Mayor and stated that there was need to encourage schools to review the costs of uniforms and the number of items that were required to make-up a uniform that were branded and

only available from a restricted number of suppliers. She also felt that there should be an upper cost limit for uniforms and hoped that the Council would work with the petitioners to get an agreed change across the city's schools.

- 66.5 Councillor Clare thanked Emma for her petition and noted that the final responsibility for determining the costs of uniforms and their supply lay with the various schools and their governing bodies. She acknowledged the work of her predecessor and that of Councillor Knight as the previous Deputy Chair of the CYPS Committee in seeking to poverty-proof the school day and encourage schools to address the costs of school uniforms. She also noted that the pandemic had impacted on the situation and hoped that different options such as having second-hand uniform available through the schools could be taken forward.
- 66.6 Councillor Allcock moved an amendment on behalf of the Labour Group which sought to reassure the community that the Council wanted to work with Secondary Heads to help parents and to address the high cost of uniforms.
- 66.7 Councillor Hamilton formally seconded the amendment and noted that more parents were now governors of schools and hoped that they could also help to influence change across the city.
- 66.8 Councillors Bell, Knight and Hills spoke on the petition and the amendment and agreed that the matter needed to be looked at with a view to reaching a uniform cost for school uniform across the schools in the city.
- 66.9 The Mayor thanked Ms. Daniel for joining the meeting and presenting the petition and noted that an amendment had been moved.
- 66.10 The Mayor then sought the Council's agreement to put the recommendations as amended to the vote which was agreed and he therefore called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the recommendations as amended and this was confirmed by the Green Group Members;

Councillor Platts stated that the Labour Group were in favour of the recommendations as amended and this was confirmed by the Labour Group Members;

Councillor Bell stated that the Conservative were in against the recommendations as amended and this was confirmed by the Conservative Group Members;

Councillor Brennan confirmed that she was voting in favour of the recommendations as amended;

Councillor Fishleigh confirmed that she was voting in favour of the recommendations as amended;

Councillor Janio confirmed that he was voting in favour of the recommendations as amended;

Councillor Knight confirmed that she was voting in favour of the recommendations as amended.

66.11 The Mayor confirmed that the recommendations as amended had been carried.

66.12 **RESOLVED:**

- (1) That the petition be noted and referred to the Children, Young People & Skills Committee for consideration; and
- (2) That officers prepare a report for the Children, Young People & Skills Committee in March 2021 that:
 - details the uniform policy and associated costs for a child in each local authority secondary school, voluntary sector secondary school and secondary academy in our city;
 - describes the support currently available for any families experiencing economic hardship and struggling to ensure compliance with the uniform policy for their school; and
 - provides options to further reduce the financial burden of school uniform requirements on disadvantaged families (to be explored in partnership with school head teachers and governors).

Subject:	Items referred from the Council meeting held on the 17 December 2020 - Power of Youth Charter – Notice of Motion		
Date of Meeting:	11 January 2021		
Report of:	Executive Lead Officer for Strategy, Governance & Law		
Contact Officer: Name:	Mark Wall	Tel:	01273 291006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To receive the following Notice of Motion which was debated at and referred from the full Council meeting held on the 17 December 2020.

2. RECOMMENDATIONS:

- 2.1 That the Committee responds to the motion concerning the Power of Youth Charter, either by noting it or where it is considered more appropriate, calling for an officer report on the matter as requested, which may give consideration to a range of options.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 The following resolution from the full council meeting held on the 17 December 2020 for the committee to consider is detailed below:

COUNCIL

4.30pm 17 DECEMBER 2020

VIRTUAL

MINUTES

Present: Councillors Robins (Chair), Mears (Deputy Chair), Allcock, Appich, Atkinson, Bagaeen, Barnett, Bell, Brennan, Brown, Childs, Clare, Davis, Deane, Druitt, Ebel, Evans, Fishleigh, Fowler, Gibson, Grimshaw, Hamilton, Heley, Henry, Hill, Hills, Hugh-Jones, Janio, Knight, Lewry, Littman, Lloyd, Mac Cafferty, McNair, Miller, Moonan, Nemeth, Nield, O'Quinn, Osborne, Peltzer Dunn, Phillips, Pissaridou, Platts, Powell, Shanks, Simson, C Theobald, Wares, West, Wilkinson, Williams and Yates.

PART ONE

NOTICES OF MOTION

78. POWER OF YOUTH CHARTER

- 78.1 The Notice of Motion as listed in the agenda was proposed by Councillor Clare on behalf of the Green Group and formally seconded by Councillor Heley.
- 78.2 Councillor Allcock moved an amendment on behalf of the Labour Group which was formally seconded by Councillor Williams.
- 78.3 Councillors Brown welcomed the motion and the amendment but because of the reference to reducing the age of voting to 16 asked that the Conservative Group's opposition to such a change be recorded in the minutes.
- 78.4 Councillors Janio, Fishleigh and McNair also spoke on the motion and the amendment. Councillor Clare thanked everyone for their comments and confirmed that she was happy to accept the amendment. She hoped that the CYPS Committee would approve signing up to the Charter and improvements in communication and engagement with young people could be made so that they felt listened to.
- 78.5 The Mayor noted that the amendment had been accepted and that the Council was happy to move to a vote on the motion as amended, and therefore put the revised motion to the vote:

That this council:

- agrees the importance of including young people's voices in decision-making and commends the recent work on a 'youth engagement' action plan, which was created with young people themselves who worked hard on this initiative to ensure young voices have greater influence
- commends the work of young people at the forefront of the Black Lives Matter movement, the Youth Climate Strikes, and in organising the Youth Climate Assembly
- thanks Brighton and Hove Youth Council, YouthWise and Children in Care Council for their work in formally representing young people within council structures and recognises their importance
- reaffirms its prior commitment to votes at 16

This council therefore:

- agrees, subject to Children, Young People & Skills Committee approval, to sign up to the 'Power of Youth Charter', using the youth engagement report as a basis for showing how we will meet its aims;
- requests the Children, Young People & Skills Committee receive a yearly report on actions taken against the Charter across the council;
- commits to using our communication channels as councillors and political parties to support the work of young people, as per the charter

- calls for a report to Children, Young People & Skills Committee, no later than April 2021, that:
 - assesses the methods the Council uses to engage with young people;
 - seeks to improve our communication with young people through a collaborative process; and
 - explores how young people are consulted and their views considered in all local policy decisions that impact them.

78.6 The Mayor then called on each of the Group Leaders to confirm their position as well as the Groups in turn followed by each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the motion as amended and this was confirmed by the Green Group Members;

Councillor Platts stated that the Labour Group were in favour of the motion as amended and this was confirmed by the Labour Group Members;

Councillor Bell stated that the Conservative were in favour of the motion as amended and this was confirmed by the Conservative Group Members;

Councillor Brennan confirmed that she was voting for the motion as amended;

Councillor Fishleigh confirmed that she wished to abstain from voting on the motion;

Councillor Janio confirmed that he was voting against the motion as amended;

Councillor Knight confirmed that she was voting for the motion.

78.7 The Mayor confirmed that the motion as amended had been carried.

Subject:	Hidden Children Update		
Date of Meeting:	11 January 2021		
Report of:	Interim Executive Director for Families, Children & Learning		
Contact Officer:	Name:	Richard Barker	Tel: 01273 290732
	Email:	Richard.barker@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE/ NOT FOR PUBLICATION

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report provides an update on the Hidden Children Strategy that was brought to the Children Young People & Skills (CYP&S) committee on 17 September 2018.
- 1.2 The report details work that is being undertaken to develop the strategy considering recent events and the recruitment to a new post in the council.

2. RECOMMENDATIONS:

- 2.1 That the committee note the progress on the original hidden children strategy as detailed in the report below and in Appendix 1.
- 2.2 That the committee note the actions being taken to recruit to a the new post of hidden children officer and the future focus on early identification and support, preventative and restorative action, re-engaging pupils who have been out of education and the monitoring and tracking of children and young people at risk of becoming hidden.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The CYP&S committee in September 2018 noted the report outlining the introduction of a Hidden Children Strategy and requested a follow up report in June 2019.
- 3.2 The committee were advised that the council were at the beginning of a journey to assess the issues that meant children were being hidden and therefore what actions were needed to address this.
- 3.3 The strategy document included an action plan which covered areas of development: better understanding, better assessment and tracking, better communication and better provision.
- 3.4 A review of the action plan created in 2018 is provided in Appendix 1.

- 3.5 The strategy document that accompanied the report in 2018 described hidden children as those who ‘may be in full sight but their lack of educational opportunity may not be noticeable or regularly reviewed. It is possible that the following circumstances will mean children are hidden and questions should be asked. This is not to say all the children in these circumstances are at risk, it’s about identifying and being aware of the potential and take action where needed’. There followed a list of possible criteria but as an overview we are considering those with medical needs, at risk of exclusion and awaiting an alternative school placement including specialist provision as likely to be not in receipt of full-time education.
- 3.6 The response to the Covid pandemic has brought the issue of full-time education provision as a protective factor to the front of many more minds than before. Although whilst Covid has added strain, all of the issues that mean children become hidden within the system were very much prevalent before the pandemic.
- 3.7 The council’s necessary response to the pandemic has delayed progress, with resources being prioritised into other areas including causing delays in the process of developing a job description and getting to the point of recruiting to the new post. It is an example of the council undertaking its statutory duties and yet not being able to affect a change for those who are not in full-time education.
- 3.8 Recent reports from Ofsted, the Association of Directors of Children’s Services (ADCS), Children’s Commissioner and the Local Government Association highlight that, as an impact of the pandemic, more children are at risk of not receiving their full-time entitlement.
- 3.9 Amanda Spielman referenced [‘out of sight children’](#) in her introduction to Ofsted’s annual report. She outlined that a significant proportion of the children who have come off school rolls are already known to one or more external children’s services because they have special educational needs, previous attendance issues or other interventions in their lives. She also observed that ‘almost all children, vulnerable or otherwise, are missing out on a lot when they aren’t at school.’ Her comment that ‘We must be alive to these risks, and we must also watch out for bad practices creeping back in that could compound risk. We don’t want to see any schools off-rolling children; and we need all schools to make the effort to help children with SEND to attend.’ This is a useful reminder of what the strategy is seeking to achieve.
- 3.10 In recent weeks, the ADCS published the [summary analysis](#) of the elective home education (EHE) survey 2020.
- 3.11 The analysis suggests that on school census day, 1 October 2020, 75,668 children and young people were known to be EHE. This marks a 38% increase from the same school census day in 2019. Further analysis suggests that 25% of those children and young people have become EHE since 1 September 2020.
- 3.12 The survey also gathered data on the cumulative total number of EHE children and young people across the 2019/20 academic year. This showed that an estimated 86,335 children and young people were known to be EHE at any point

during the previous academic year, a 10% increase from the 2018/19 academic year.

- 3.13 The most common reason cited by parents or carers for electing to home educate their child(ren) was due to health concerns related directly to Covid-19.
- 3.14 In Brighton and Hove there were 392 pupils known to be electively home educated. 115 more than in 2019, a 38% increase with a 138% increase in referrals for EHE for the half term to 24th November 2020 year compared to last year.
- 3.15 The [Children's Commissioner's report](#) addresses how children disappear from England's schools and references the under-identification of children's needs and the fact that teachers say they do not have the training or support to diagnose these problems accurately and have limited capacity to do so given the pressures on the school system. In response the council will need to ensure work with other diagnostic services to ensure early identification of need.
- 3.16 The report called for: a home education register, strengthened measures to tackle off-rolling, advice and support for children and families and greater oversight of children.
- 3.17 The LGA report, [children missing education](#), covers much of the policy area that the council sought to address with its original Hidden Children strategy. It states that children missing education do not form a homogenous group and are not always easy to identify. The research has suggested that there are multiple routes whereby children may end up missing out on a formal full-time education, and eight main 'destinations' where these children may be found.
- 3.18 Some of the characteristics that were common to the cohort of children missing education included those with social and behavioural needs; those with complex needs and no suitable school place available; those with medical or mental health needs; and of those with mental health needs, those accessing CAMHS either as an inpatient or through services in the community.
- 3.19 The report suggests that it is a combination of three sets of factors that, taken together, have given rise to this trend. These are: the changing nature of the needs and experiences that children are bringing into school; pressures and incentives on schools' capacity to meet those needs; and the capacity of the system to ensure appropriate oversight of decisions taken regarding children's entry to and exit from schools..
- 3.20 While Local Authorities have the responsibility to maintain oversight of the suitability of the education received by school-age children, there is a mismatch between the scope of these responsibilities and the capacity and means to carry them out at a detailed, case-by-case level such that there can be assurance that all children missing from formal, full-time education are receiving a suitable education. Careful consideration is needed to also determine that the council is acting to fulfil all its duties under the Equality Act.

- 3.21 The council has identified funding and is currently embarking on the recruitment of a Hidden Children officer to undertake this work. It is expected that the role will be filled by the end March 2021.
- 3.22 In line with the LGA report the council is seeking to focus their work on the following strategic and proactive priorities: early identification and support (including timescales around waiting lists for assessments), preventative and restorative action, re-engaging pupils who have been out of education and monitoring and tracking.
- 3.23 In following this approach the council is also addressing the report's recommendations to the DfE to: raise the profile of children missing formal full time education, resource local authorities adequately to fulfil their responsibilities in relation to ensuring all children receive a suitable education and create a learning environment in which more children can succeed by maintaining a focus on inclusion and early identification and intervention.
- 3.24 The postholder will be supporting schools to respond flexibly and creatively to some of the challenges faced by children in their educational setting, which when combined with their complex needs, can lead to emotional based school avoidance, school anxiety or distressed behaviour. As well as challenging what the HM Chief Inspector refers to as schools 'gaming the system'.
- 3.25 Advocacy in a language and culture shift in the city is important. A shift to an approach that prioritises identifying and mitigating against the sources of distress and anxiety rather than one that seeks to address behaviour itself is a key factor.
- 3.26 Other reasons that have been cited in the city include: disparity in training and understanding across school staff, lack of communication between paid professionals, lack of reasonable adjustments, inflexibility when it comes to curriculum and timetable, plus breakdowns in the relationship between school and family.
- 3.27 Working with families as professional partners will be crucial and as this work has developed mASCot has highlighted some of the challenges its members are currently facing, such as EHCP provision not in place consistently, schools not having enough resource within schools, work on re-integration and transition lacking, the ways schools approach situations as well as the need for individual Child and young person centred approaches.
- 3.28 In January 2020 the committee received a report on the Development of ASC services and it is hoped that the post holder will liaise with stakeholders in the development of co-produced primary and secondary project for ASC children and young people who are not attending school and the process of developing a flexible model of educational provision that would meet this particular profile of need.
- 3.29 All of the children supported by mASCot who have fallen out of school have anxiety/deterioration in their mental health due to their school experience rather than them already having mental health issues.

- 3.30 To ensure that the recruitment process adequately reflects the need for the postholder to work with parents and other groups it is expected that the interview panel will contain representatives of mASCot, SENDIASS and PaCC. It is also proposed that the role will be overseen by a stakeholder committee which captures the city's participants in addressing the phenomena of 'hidden children'.
- 3.31 Part time timetables are not the only identifier of children and young people we consider hidden, they are an indication of the prevalence of a group of pupils who, by their definition, are hard to quantify.
- 3.32 Alongside the October 2020 census, schools in the city completed a return on part time timetables from which the council is aware there are currently 155 pupils on part timetables in 39 schools. 27 primary schools and 9 in secondary schools. The remainder in alternative provision.
- 3.33 This is a rise of 62 pupils on the first return that schools completed in January 2020. The main reasons are mental health issues, behaviour and 'other'.
- 3.34 Therefore, the role of Hidden Children officer will support the work to consider the impact of this rise, develop plans to expediate pupils return to full time provision and seek to address the factors meaning so many pupils and their families find themselves in this situation.
- 3.35 In addition, as the data below shows there has not appeared to be a corresponding rise in Children Missing Education (CME) which may be a result of less mobility and off-rolling taking place within the population. This number of children does fluctuate weekly as the situation regarding education is confirmed and all data regarding CME is stored on the Carefirst database.

Year	Children Missing Education (CME) 31/10/20	Children in Need (CIN)	Child Protection Plan (CP)	Looked after Children (LAC)
2019/20	100	17	5	2
2020/21	70	8	1	2

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The council continues to develop its Hidden Children Strategy. The impact of the Covid pandemic and the available resource has limited the progress that has been made since September 2018.
- 4.2 It is not considered appropriate to continue to progress this work at the slower pace that has been the case in recent months. It would be possible to continue to divert resources elsewhere and not recruit to a new post. However, it is felt this would not help to address the issue that the council are seeking to address.
- 4.3 It would be possible to continue the work without continuing with the active involvement of other groups such as mASCot, PaCC, SENDIASS and Amaze but this could hinder the council in identifying and addressing factors that create hidden children in the city. A proactive commitment to co-production with PaCC

and mASCot is essential especially as the council reflects on lessons learnt around co-production from the review of home to school transport.

- 4.4 The previous report stated that there would be a remodelling of the Access to Education team. Instead we are recruiting to a post that reports directly to the Head of School Organisation. With the significant pressures of Covid 19 and other factors having an impact on elective home education it is not considered appropriate to reorganise this team.
- 4.5 Keeping the post outside of the Access to Education team structure will allow the new role to identify their own focus without being considered part of an existing team's role and responsibilities.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 We have received contributions to this committee report from mASCot, PaCC and Amaze and are committed to more and better coproduction. To start with this will include the selection process and recruitment to the post.

6. CONCLUSION

- 6.1 The council is seeking to develop its Hidden Children strategy from its origins as detailed in a report to the CYP&S committee in September 2018.
- 6.2 The impact of Covid has increased the numbers of children in elective home education and there are more children known by the council to be on part time timetables than in January 2020.
- 6.3 A Hidden Children officer is currently being recruited and is expected to be in post by March 2021.
- 6.4 The council's approach appears to be endorsed by the findings in an LGA report entitled children missing education. The focus will be on early identification and support, preventative and restorative action, re-engaging pupils who have been out of education and monitoring and tracking.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Funding provision for the Hidden Children officer post has been identified from within the 2020/21 High Needs Block which forms part of the Dedicated Schools Grant.

Finance Officer Consulted: Steve Williams

Date: 07/12/20

Legal Implications:

- 7.2.1 The Council has a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise.

The Hidden Children strategy seeks to identify and support any child/young person who might be at risk of harm due to not being in receipt of full-time education. The recruitment of a Hidden Children Officer will further assist the Council in fulfilling this objective.

Lawyer Consulted:

Serena Kynaston

Date: 10.12.2020

Equalities Implications:

- 7.2 An equalities impact assessment has not been undertaken. The report asks the committee to note the developments in addressing the council's hidden children strategy which is seeking to support the provision of full time education as a protective factor for children and young people.
- 7.3 It is considered likely that pupils with disabilities or from other racial or ethnic backgrounds find themselves to be disproportionately represented in the group of pupils not in receipt of full-time education. Additional work on the hidden children strategy will allow this to be further examined and to address any disproportionate representation in these figures.

Sustainability Implications:

- 7.4 There are no sustainability implications as a result of this report.

Brexit Implications:

- 7.5 The UK's exit from the EU could have an impact on the school admission process which will have a bearing on the experience of children and young people requiring a new school place.

Any Other Significant Implications:

Crime & Disorder Implications:

- 7.5 Missing out on formal full-time education might impact on an individual child or young person. There is evidence of children and young people experiencing negative impacts such as negative impacts on: educational attainment and employability, mental health and wellbeing social and emotional development, crime and exploitation.

Public Health Implications:

- 7.7 Children who are not in receipt of full-time education may be more susceptible to less positive health outcomes.

Corporate / Citywide Implications:

- 7.8 The 2016 statutory guidance for local authorities on Children Missing Education, published by the Department for Education, states:
"All children, regardless of their circumstances, are entitled to an efficient, full time education which is suitable to their age, ability, aptitude and any special educational needs they may have. Children missing education are children of

compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school.” This statutory definition of children missing education therefore comprises a relatively small cohort of children. Critically, if children are deemed to be receiving an education “otherwise than at school” then they will not be counted as children missing education. Similarly, if children are on a school roll but are not attending or not attending full-time, they will also not be counted as children missing education. This definition risks establishing some significant blind-spots in our collective understanding of the cohort of children missing education. It does not, for example, acknowledge that there will be children and young people amongst those who are being educated other than at school whose education is neither efficient, full-time or suitable to their age, ability and aptitude. Nor does it highlight the children who may remain on a school-roll but only be subject to limited part-time timetables or may be otherwise unwilling or unable to attend school routinely. These children are missing out on their entitlement to a full-time education but are not captured with the legal definition.

SUPPORTING DOCUMENTATION

Appendices:

1. Review of Hidden Children strategy action plan 2018-19

**Review of Hidden Children Action Plan (June 2018 – March 2019)
Reviewed December 2020**

Hidden children - better understanding actions	
<p>We want those who are working with the groups of children and young people most at risk of being 'hidden' to know what education the children are receiving, to consider the impact that is having on the young person and family and, when relevant, what time limited plan is in place to get them back to full-time education.</p>	<p>The Hidden Children strategy was shared widely with FC&L staff and with school leaders, including governors. This included refreshed guidance on attendance and part time timetables. BHISS have also been sharing their service offers and specifically information on inclusion in recent months with BAP groups. This was some time ago and a refresh will be necessary in 2021. The Access to Education team continues to work alongside other teams in a complimentary way to the principles of whole family working. The SAWASS data was not as useful a source of data has had been hoped and more up to date information will be required to inform future practice.</p>
Hidden children - better assessment and tracking actions	
<p>We want professionals to share their own service user lists and referral information with relevant colleagues to ensure we have a joined up understanding of the needs of Brighton & Hove's hidden children. This needs to be through regular face to face communication so that the nuances of family situations are properly understood.</p>	<p>The council has developed a reporting tool for schools to complete that will be submitted in line with the termly census data. The initial return from schools for the 18-19 academic year suggested 157 pupils were on a part time timetable at some in the academic year. 51 of these had EHCPs. 52 are primary aged pupils. The January 2020 return indicated 93 pupils were on part-time timetables. In October 2020 155 pupils were on part timetables in 39 schools. 27 primary schools and 9 in secondary schools. The remainder in alternative provision.</p> <p>Carefirst has a 'child missing education' indicator flag. With additional planning and training this facility can be used for the purpose of monitoring 'hidden children'.</p> <p>A review of the Access to Education team was undertaken and it was determined to create a standalone Hidden Children post which is now being recruited to with a likely start date of March 2021. The CME panel and other meetings have maintained their current focus, and this will be reviewed in Spring 2021 with the recruitment to the new post.</p> <p>Progress on a recorded plan of what is known and what will happen for each individual child has been slow and the aspiration to have a co-ordinated single plan for the family is still not in place.</p>

Hidden children - better communications actions

All children need full time provision that meets their needs. This renewed focus on the risk of harm to these children and young people together with the information gathered must inform the commissioning of relevant services using resources available.

Concerns about the ethics of producing an analytical tool together with GDPR concerns meant this was not completed but the intention to develop an early intervention/predictive tool remains. The secondary and primary BAPs continue with the addition of a more strategic meeting of the secondary BAP every term to provide a space to consider wider issues rather than specific case work of individual pupils. Despite raising awareness, a broader language and culture shift is required in the city. The council continues to promote relationship-based interventions.

Subject:	Power of Youth Charter		
Date of Meeting:	11th January 2021		
Report of:	Executive Director for Families, Children & Learning		
Contact Officer:	Name:	Debbie Corbridge	Tel: 01273 292953
	Email:	Deborah.corbridge@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of this report is to provide information on the Power of Youth Charter and put forward a proposal to adopt this Charter so that more young people can be empowered to shape decisions, take social action and make a positive difference to their lives, their communities and broader society.

2. RECOMMENDATIONS:

- 2.1 That this Committee notes the purpose of the Charter and agrees to sign up to this on behalf of the Council
- 2.2 That this Committee agrees to regularly monitor progress made towards actions it will take to deliver on the Charter commitments
- 2.3 That the Committee agrees to councillors being invited to mentor young people wanting to learn how to be more involved in local politics and offer opportunities to shadow them where

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Power of Youth Charter is based on insights gathered from #iwill campaign partners and #iwill Ambassadors; it provides a framework for organisations to empower more young people to shape decisions, take social action and make a positive difference.
- 3.2 The #iwill campaign was launched in November 2013 by HRH The Prince of Wales and the leaders of the three main political parties. Its launch followed an independent review into what action different sectors could take to support more young people to participate in social action.
- 3.3 The charity Step Up to Serve currently coordinates the #iwill campaign. It does so by connecting campaign partners, communicating data and evidence about the benefits of youth social action and challenging organisations to do more.

3.4 The #iwill campaign, comprised of over 1000 organisations from across the UK, aims to make participation in social action the norm for young people aged 10 to 20.

3.5 The Power of Youth Charter invites organisations to commit to growing the power of youth in the following areas:

➤ Prioritise supporting young people to take social action

We will create opportunities that empower more young people, particularly from low-income and ethnic minority backgrounds, to be positive change makers

➤ Open up our decision-making structures

We will offer opportunities for young people, particularly from low-income and ethnic minority backgrounds, to participate in decision-making, leading and shaping both the activities they are involved in and wider organisational decisions

➤ Work collaboratively with other organisations

We will work collaboratively with other organisations to create more high-quality opportunities, reach young people from low-income and ethnic minority backgrounds to take part, share learning and achieve shared goals

➤ Evidence the benefits of youth social action

We will capture and share insights, stories and data on how we are working with young people, and the positive impact this has on them, their communities and our organisation

➤ Recognise and celebrate young people's impact

We will use our communication channels to advocate for and celebrate young people as positive and powerful change makers.

3.6 The values underpinning the Charter are as follows:

➤ Empowering: Young people are treated as equal partners in tackling common challenges. We listen to them, work with them and give them the space to create and lead change.

➤ Collaborative: To achieve our shared vision and goals, we need to work together. #iwill stimulates collective action by connecting organisations, policymakers and young people to collaborate and co-create change.

➤ Challenging: We push for meaningful change to culture, policy and practice so that more young people, particularly from disadvantaged backgrounds, are supported and empowered to make a positive difference.

➤ Inclusive: We embrace, champion and celebrate young people, individuals and organisations from a diverse range of backgrounds and beliefs to create solutions and access benefits of youth social action. We stand united against all forms of discrimination based on an individual's race, ethnicity, class, beliefs, sex, gender, sexual orientation, age, health or other any status.

➤ Independent: #iwill belongs to everybody. It remains independent of the interests of any single organisation, political party, funding source, form of youth social action or cause.

3.7 The Charter will underpin collaboration towards four collective impact goals:

1. More children and young people are making a positive difference across the UK
2. More children and young people are shaping decisions in the public, private and voluntary sectors
3. More organisations are demonstrably taking action to grow the power of youth

4. A positive shift in public perception on the role children and young people can play in society
- 3.8 The Youth Participation report was presented to the Children, Young People and Skills Committee in November 2020. This noted the current youth participation opportunities in the city and agreed the action plan developed by young people that will further increase young people's involvement in making decisions that impact on them. This highlights the commitment already made by young people, community and voluntary sector youth providers and the Council to empower young people to shape decisions, take social action and make a positive difference to their lives, their communities and broader society.
- 3.9 It is suggested that, if the Council agree to sign up to the Charter; our commitment would be the following:
- P** – Prioritise supporting young people to take social action
- We will give young people opportunities to get involved
 - We will fund programmes that support young people where we can
 - We will continue to provide a youth-led grants programme for young people to have a say on what projects we should fund
- O** – Open up decision making structures
- We will implement changes in our youth action plan agreed in November.
 - All councillors will offer mentoring to any young people interested in learning more
 - We will work to continue to involve the youth council and children in care council in decisions
- W** – Work collaboratively with other orgs
- Continue to work with youth services in the city to implement change
 - Arrange meetings to help youth services collaborate
- E**- Evidence benefits of youth social action
- We will report yearly on youth engagement at Children, Young People and Skills
- R** – Recognise and celebrate young people's impact
- We will continually publicise the work of young people
 - Support youth services to offer digital badge of participation
 - Celebrate the achievements on our young people in care via our annual child in care awards
- 3.10 The next steps, if the Council agreed to sign-up to the Power of Youth Charter, would be the following:
1. A senior leader from the Council; ideally the Chief Executive and/or Chair - will sign-up to the Charter on behalf of the organisation and outline specific actions it will take to deliver on the Charter commitments.
 2. The Council will publicise adoption of the Charter through the Communication Team

3. The Council will hold itself accountable to young people and track its development by sharing annually with #iwill Ambassadors and our networks on how we are delivering the Charter commitments

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Council has recently endorsed the Youth Participation Plan that aims to further the work to engage young people in decision making opportunities; this Charter's values, priorities and goals are in line with this plan and therefore could realistically be achieved.
- 4.2 An alternative could be to coproduce a localised charter with youth providers and the Council signing up to it along with committing to agree actions.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Consultation events, including young people's and stakeholders focus groups were held as part of the Youth Review that included consulting on young people's participation opportunities and gaining views on how this could be improved. A Youth Wise meeting focused on developing a Youth Participation Plan.

6. CONCLUSION

- 6.1 Signing up to this Charter would confirm that the Council is committed to building on positive participation opportunities for young people; empowering them to have a voice in decisions that impact on their lives, their community and broader society.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications as a direct result of the recommendations of this report

Finance Officer Consulted: Name David Ellis

Date: 15/12/20

Legal Implications:

- 7.2 There is a duty within Section 507B of the Education Act 1996 sometimes described as the "sufficiency duty" that the council "*must, so far as reasonably practicable, secure for qualifying young persons in the authority's area access to (a)sufficient educational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities; and(b)sufficient recreational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities.*" Statutory guidance is also explicit that local authorities must take steps to ascertain the views of young people and to take them into account in making decisions about services and

activities for them. The Charter will assist the authority in ensuring this is the case.

Lawyer Consulted:

Name Natasha Watson

Date: 29/12/20

Subject:	Hertford Infant and Nursery School: Raising Lower Age Range of School from Three to Four Years and Closure of the Nursery Class		
Date of Meeting:	11th January 2021		
Report of:	Interim Executive Director Families, Children and Learning		
Contact Officer:	Name:	Vicky Jenkins	Tel: 01273 296110
	Email:	vicky.jenkins@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The head teacher and governing body at Hertford Infant and Nursery School have asked the local authority to raise their school's lower age range by one year from three to four years with the consequent closure of their nursery class. The request has been made because of low pupil numbers and consequent pressure on the rest of the school budget.
- 1.2 This proposal has now completed its statutory consultation phase (representation period) and the committee now needs to make a final decision..

2. RECOMMENDATION:

- 2.1 That the committee confirms the proposal contained in the statutory notice to raise the lower age range by one year from three to four years and close the nursery class at Hertford Infant and Nursery School with effect from 1st September 2021

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 At the request of the head teacher and governing body at Hertford Infant and Nursery School the Children, Young People and Skills committee which met on 14th September 2020 agreed to start the process for closure of the school's nursery class.
- 3.2 The reason for closure relates to low numbers of children in the nursery class and consequent lack of financial viability. Details are set out in the reports to committee on 14th September 2020 and 26th October 2020.
- 3.3 An initial consultation was carried out and the results of this were reported to a Special Children, Young People and Skills Committee meeting on 26th October 2020.

- 3.4 That special meeting agreed that the proposal should move to the statutory consultation/representation phase.
- 3.5 The statutory consultation took place for a four week period from 6th November to 4th December 2020.
- 3.6 The statutory notice is attached as appendix 1. The full proposal is appendix 2 and the consultation report is appendix 3.
- 3.7 The statutory notice was published in the Brighton & Hove Independent on 6th November 2020. It was also
- given to Hertford Infant and Nursery School's head teacher and governing body
 - published by Hertford Infant and Nursery School on its website, along with associated documents
 - published on Brighton & Hove city council's statutory notice page and its news pages
 - published on Brighton & Hove city council's schools' bulletin
 - sent to all early years and childcare providers in the city
 - posted with a covering letter to all households in the Hollingdean and Stanmer ward with a child aged two or under (308 households)
- 3.8 Results of statutory phase of consultation (representation period)
- Six emails sent objecting to closure
 - 270 signatures on a petition at 38 degrees entitled "Save Hertford Nursery School"¹
- 3.9 Reasons for objecting to the proposal included
- Lack of marketing of the nursery by the school, and consequently local people were unaware of its presence
 - Failure to publicise consultation on closure sufficiently; the fact that consultation on closure had started meant that parents were then unlikely to send their child to the nursery
 - Excellent teaching and care of children, including warm atmosphere which is small and friendly
 - Excellent progress made by children who attend the nursery
 - Effect on other provision in the area, including whether sufficient alternative provision exists
 - Effect on the school as the nursery acts as a feeder
 - The benefit to children of attending nursery and school on the same site
 - The benefit to parents of having nursery and school-age children on the same site
 - Inability to access the full early years free entitlement at other early years providers – that there are few completely free places offered elsewhere and consequent impact on low income families
 - More families may move into the area as accommodation which was previously let to students was not taken up and is now available for families
 - That the proposal should be reconsidered after the pandemic

¹ At 5th December 2020. A link to the petition was sent to the consultation email address but the petition itself had not been sent to the council by the end of the representation period.

- 3.10 The reasons for objection were similar to those received during the initial consultation phase. In response to these
- 3.11 It remains the case that there are low numbers of children at the nursery – seven on roll this autumn term and which provides insufficient funds to cover staff and operational costs and overheads.
- 3.12 The school remains concerned for the future viability of the nursery class because there is no guarantee that numbers will increase over the year. In order to compensate for Covid-19 the DfE agreed to fund nursery provision in autumn 2020 to the same extent as autumn 2019. The DfE has not yet any guidance about whether this arrangement will continue to spring 2021.
- 3.13 There is alternative provision in the area with space for local children, including Cherry Tree nursery at Hollingdean Children’s Centre which is run by the local authority.
- 3.14 Standalone free provision for the early years free entitlement is available at other early years providers in the city, including at Cherry Tree Nursery

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The school has considered keeping the nursery class open but with low numbers of children now and anticipated in the future this is not financially sustainable

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 A report on consultation during the representation phase is attached as appendix 3.

6. CONCLUSION

- 6.1 The council values the excellent and high quality provision at Hertford Infant and Nursery School nursery class and the role that it plays in the local community but is unable to provide financial support to ensure that it is sustainable in the future.
- 6.2 For this reason and following the completion of the representation period the committee is requested to agree to raise the lower age range of the school and close the nursery class with effect from 1st September 2021

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

Financial Implications:

- 7.1 Hertford Infant and Nursery School ended the 2019/20 financial year with an overspend of £40,697. This was an improvement from the overspend of £99,317 at the end of 2018/19. The school has worked hard to recover the deficit and the final budget plan for the 2020/21 indicates a balanced budget.
- 7.2 Government guidance offers protection to the school for the low numbers of children in autumn 2020 and the merger of nursery and reception children into a single foundation stage unit should prevent losses in the current year. However,

if numbers are not to increase in future, there would be a likelihood that the school would be required to subsidise the nursery from its wider budget and this may result in a negative impact on the school's overall financial position.

Finance Officer Consulted: Steve Williams

Date: 03/12/20

Legal Implications:

- 7.3 A decision must now be taken on the proposals to raise the lower age range of Hertford Infant and Nursery School. The Education and Inspections Act 2006 sets out who decides proposals for prescribed alterations to maintained schools. In the case of these proposals the decision maker is the Local Authority. The Children, Young People and Skills Committee will act as the decision maker for the Local Authority.
- 7.4 DfE 'Guidance for Decision Makers' (April 2016) provides that the decision maker must be satisfied that the appropriate fair and open consultation and representation period has been carried out and that the proposer has given full consideration to the responses received. The decision maker should not simply take account of the number of people expressing a particular view. Instead the Guidance provides that the greatest weight should be given to responses from those stakeholders likely to be directly affected by the proposals, including parents of children at the affected schools.

Lawyer Consulted: Serena Kynaston Date: 8th December 2020

Equalities Implications:

- 7.5 Parents of pre-school children will be able to take up EYFE at alternative early years providers in the city

SUPPORTING DOCUMENTATION

Appendices:

1. Statutory Notice
2. Full Proposal
3. Consultation Report



**Brighton & Hove
City Council**

Appendix 1

Brighton & Hove City Council

Statutory Notice: Proposal to change the age range of Hertford Infant and Nursery School

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Brighton & Hove City Council intends to make a prescribed alteration to Hertford Infant and Nursery School, Hertford Road, Brighton, BN1 7GF, from 1st September 2021, by changing the age range of the school by one year.

The current age range of the school is 3 to 7. The local authority proposes to raise the lower age range of the school to cater for pupils from 4 to 7.

All applicable statutory requirements to consult in connection with this proposal have been complied with. Brighton & Hove City Council will implement the proposal.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained by contacting eyc@brighton-hove.gov.uk

The Full Proposal is also on the Council's website and can be found at www.brighton-hove.gov.uk/school-statutory-notice

Within four weeks from the date of publication of this proposal (i.e. by 4th December 2020), any person may object to or make comments on the proposal by emailing eyc@brighton-hove.gov.uk before the closing date of 4th December 2020

Signed: Deb Austin

Publication Date: 6th November 2020

Appendix 2

Full statutory proposal information for prescribed alterations to Hertford Infant and Nursery School

In accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 Brighton & Hove City Council proposes to make prescribed alterations to Hertford Infant and Nursery School with effect from 1st September 2021.

Local authority details:

Brighton & Hove City Council
Hove Town Hall
Norton Road
Hove
BN3 3BQ

School details:

Hertford Infant and Nursery School
Hertford Road
Brighton, BN1 7GF

1. Introduction

Hertford Infant and Nursery School is a community school for children aged three to seven. There are currently 139 pupils on roll. The school includes a nursery class offering 26 part time places.

2. Description of the proposed alteration

To raise the age range of pupils for whom the school is registered from three to seven to four to seven years of age, and to close the school's nursery class.

3. Implementation date

It is proposed to raise the age range of pupils for whom the school is registered from three to seven years of age, to four to seven years of age, and to formally close the school's nursery class with effect from 1st September 2021.

4. Reason for the proposed change

Hertford Infant and Nursery School has a nursery class¹ which offers 26 part time places for early years free entitlement (EYFE) for three and four year old children from the term after their third birthday, in accordance with children's statutory entitlement.

¹ Because of low numbers of children, from September 2020 nursery children have been in an early years foundation stage unit with reception children

Maintained schools receive a budget for their nursery classes based on the number of children who attend the provision. The hourly funding rate that Brighton & Hove receives from the government for EYFE for three and four year olds is the lowest of any unitary local authority in the south east, and this low rate of funding means that unless a nursery class is reasonably full throughout the year there will be pressure on the wider school budget.

Nursery attendance at Hertford Infant and Nursery School has been falling as shown in the table below.

Term	Number of children attending	Equivalent part-time attendance²
summer 2018	26	27
autumn 2018	19	20
spring 2019	23	24
summer 2019	25	26
autumn 2019	19	20
spring 2020	21	21
summer 2020	21 ³	23
autumn 2020	7	7

Because of Covid-19 the nursery class was not open in the summer term 2020 and so new parents did not apply for places, resulting in a significant drop in numbers for autumn 2020. The school is concerned for the future viability of the nursery class because there is no guarantee that numbers will increase over the year. While, in order to compensate for Covid-19, the DfE has agreed to fund nursery provision this autumn to the same extent as autumn 2019 this arrangement will not continue to spring 2021.

This means that fewer children in the spring and summer term will result in the rest of the school subsidising the cost of the nursery class at a time when there is other pressure on the school's budget.

5. Initial consultation process

At the Children, Young People and Skills Committee on 14th September 2020 it was agreed to start the process to close the school's nursery class and raise the lower age range from three to four.

The committee paper is attached as Appendix 1.

A consultation document was published on the local authority's consultation portal and distributed to parents of children attending the school. People were given the opportunity to make comments by email. Public meetings at the school were offered on 28th September 2020 and 1st October 2020.

² Some children were eligible for the extended entitlement to 30 hours free childcare and so took some of their additional entitlement at the nursery class

³ This is the number of children who would have attended were the class not closed because of Covid-19

The consultation document was also shared with local venues including other early education providers.

The consultation document is attached as Appendix 2.

6. Response to initial consultation

A report on the initial consultation is attached as Appendix 3.

19 people responded to the online consultation

No-one left comments by email

No-one attended the public meetings

68% (13 people) strongly disagreed with raising the school's lower age range to four, all of who were current parents or future parents of children at the school.

The reasons given against closing the nursery class were:

- The nursery has a positive impact on managing children's transition to the school, including their emotional well-being. This was the most common reason given.
- The high quality of provision at the nursery, the fact that it provides a safe and nurturing space, and comparison with other local provision in that it is smaller, and non-denominational
- A concern that the closure of the nursery class could jeopardise the future of the school itself
- A desire to send younger children to the nursery in the future, having sent elder children there, and the ability to drop off/pick up siblings from the same location
- The fact that EYFE is free for 15 hours a week; this offer is more difficult to come by at private nurseries which tend to be more restrictive in their offer of free hours; some parents are not able to afford to pay for additional hours

A number of respondents commented that the nursery had not been publicised well-enough in the local community and that it should be promoted further before considering closure.

Of those who agreed with the proposal two were owners of other local early years provision, one was a staff member at Hertford Infant and Nursery School, and the other was a headteacher/staff/governor at other local school.

The respondents who gave a reason stated that the nursery could not remain open if it was not sustainable.

7. School and local authority response to the consultation

The local authority values the quality of the nursery education provided by Hertford Infant and Nursery School and acknowledges the value that the nursery adds to the school and community as a whole.

In response to the consultation the head teacher and governors state that ideally they would like to keep the nursery class open, but that they cannot afford to do so.

The nursery class has had low numbers previously and they believe that this is likely to be repeated. They feel that the low number of people responding indicates lack of interest in using the nursery class, which has been borne out by admissions numbers. They also feel that there is sufficient alternative provision locally.

The school has publicised the nursery class in the past, but this has not produced an increase in the number of applicants. There are only seven children on roll this autumn term 2020.

However, it should be noted that the latter is likely to be influenced by the process of consultation on closure.

Parents living in Hollingdean and Stanmer ward have other early education options open to them – two full day care and two sessional care providers, as well as childminders who offer EYFE funded places. There is also provision in neighbouring wards.

All early years providers who receive funding for EYFE follow the early years foundation stage. In Brighton & Hove early years settings rate highly for quality by Ofsted, with 98% outstanding/good compared with 96% nationally and 97% in the south east. In Brighton & Hove 25% of early years settings are rated outstanding, compared with 18% nationally and 19% in the south east.⁴

There are other early years providers in the city who offer “standalone” provision for 15 hours a week, without the need to purchase additional hours. There is provision of a variety of different sizes and also that which is non-denominational.

The transition of children from the nursery to the main school is important where a child gets a place in the main school, although there are separate admissions criteria for the nursery and the school and so it is not guaranteed that a child attending the nursery class will also attend the main school.

Children of nursery age are currently in a foundation stage unit with reception children at the school. All current children will be of reception age from September 2021 and so will no longer require nursery provision. The nursery is not admitting any children who will still be nursery age in September 2021 to avoid their needing to transfer to alternative provision.

8. Where and when the statutory notice and full proposal information will be available

Brighton & Hove City Council will publish the statutory notice for this proposal on Friday 6th November 2020. The notice will remain in force for a period of four weeks i.e. until Friday 4th December 2020. Copies of the notice will be placed on the school web page.

It will also be published in the Brighton & Hove Independent newspaper. A copy of the statutory notice is attached as Appendix 4 to this document.

⁴ At 31st March 2020

On Friday 6th November 2020 the full proposal information (this document plus appendices) will be sent to the governing body of Hertford Infant and Nursery School

It will also be published on the council's website at the following address
www.brighton-hove.gov.uk/school-statutory-notice

Any person may request a copy of the full proposal information by emailing Early Years and Childcare eyc@brighton-hove.gov.uk

9. How to make representations or comment on the proposal

Any person may object or make a representation or comment on the proposal. This can be done by emailing Early Years and Childcare eyc@brighton-hove.gov.uk Following the closing date for representations, comments and objections, a report will be prepared for the Children, Young People and Skills Committee to decide the proposal. This report will be considered at their meeting on 11th January 2021.

Appendix 3

Brighton & Hove City Council

Early Years and Childcare

**Hertford Infant and Nursery School Nursery Class Closure
Report on Statutory Representation Phase**

December 2020

1. Introduction

Hertford Infant and Nursery School is a community maintained school with a nursery class which currently offers part-time free early education to three and four year olds (the early years free entitlement, EYFE).

The head teacher and governors have asked the local authority to carry out the statutory process for prescribed alterations to maintained schools in order to raise the lower age range of the school by one year from three to four years old, and to close the nursery class, with effect from 1st September 2021.

Following pre-publication public consultation between 16th September and 16th October 2020 Brighton & Hove city council undertook the statutory process for prescribed alterations in accordance with government guidance. The statutory process took place for a four week period from 6th November and 4th December 2020

2. Statutory Process for Prescribed Alteration

2.1 Publication

A statutory notice (attached as appendix 1) was published in Brighton & Hove Independent on 6th November 2020.

2.2 Representation

The representation period was a four week period from 6th November to 4th December 2020.

In order to comply with statutory guidance and to ensure that interested parties were aware of the proposal the notice was

- given to Hertford Infant and Nursery School's head teacher and governing body
- published by Hertford Infant and Nursery School on its website, along with associated documents
- published on Brighton & Hove city council's website and on its news pages
- published on Brighton & Hove city council's schools' bulletin
- sent to all early years and childcare providers in the city
- posted with a covering letter to all households in the Hollingdean and Stanmer ward with a child aged two or under (308 households)

A full copy of the full proposal could be requested from the local authority and comments could be made via email to eyc@brighton-hove.gov.uk

The full proposal is attached as appendix 2.

3. Response to Representation

Six email responses were received. Most comments came from parents who currently used the nursery, had used it in the past, or were planning to use it in the future.

All those who commented objected to the proposal to close the nursery

Comments related to



- Lack of marketing of the nursery by the school, and consequently local people were unaware of its presence
- Failure to publicise consultation on closure sufficiently; the fact that consultation on closure had started meant that parents were then unlikely to send their child to the nursery
- Excellent teaching and care of children, including warm atmosphere which is small and friendly
- Excellent progress made by children who attend the nursery
- Effect on other provision in the area, including whether sufficient alternative provision exists
- Effect on the school as the nursery acts as a feeder
- The benefit to children of attending nursery and school on the same site
- The benefit to parents of having nursery and school-age children on the same site
- Inability to access the full early years free entitlement at other early years providers – that there are few completely free places offered elsewhere and consequent impact on low income families
- More families may move into the area as accommodation which was previously let to students was not taken up and is now available for families
- That the proposal should be reconsidered after the pandemic

A petition addressed to Brighton & Hove Local Government – Early Years Provision entitled “Save Hertford Nursery School” was also put on the 38 degrees website.

The text of the petition was

Reconsider the closure of Hertford Infants Nursery Provision in September 2021.

Why is this important?

The nursery is an integral part of a child’s education and means that each child in the local area can attend the same site when they start nursery age 3 through to when they transfer to junior school. Transition becomes easier as friendships span through from the nursery setting into the infants. The nursery also offers the option of 15 free hours over term time, ensuring parents and carers can avoid additional costs which private settings often incur. There are also plenty of families ready and waiting to use the existing provision and also those that would be happy to consider nursery and reception children coming together in their education setting if this helps keep the nursery open.

The petition had attracted 270 signatures by 5th December 2020.

Vicky Jenkins
Childcare Strategy Manager
December 2020

Subject:	School Admission Arrangements 2022-23		
Date of Meeting:	11 January 2021		
Report of:	Executive Director for Families, Children & Learning		
Contact Officer:	Name:	Richard Barker,	Tel: 01273 290732,
	Email:	richard.barker@brighton-hove.gov.uk,	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF 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 2022-23.
- 1.2 The report provides an update on the outcome of the consultation on the proposed changes to the Published Admission Number of nine schools.
- 1.3 The committee will be asked to approve the recommendations in this report and determine the admission arrangements, including the scheme for co-ordinated admissions and the "relevant area" for the academic year 2022-23.

2. RECOMMENDATIONS:

- 2.1 That the 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- 2.10 below, which will result in a reduction in the total of primary school places in the city by 240 places and a reduction of secondary school places by 120 places.
- 2.2 That the committee agree to a change to the Published Admission Number (PAN) for Balfour Primary School from 120 to 90 pupils.
- 2.3 That the committee agree to a change to the Published Admission Number (PAN) for Benfield Primary School from 60 to 30 pupils
- 2.4 That the committee agree to a change to the Published Admission Number (PAN) for Brunswick Primary School from 120 to 90 pupils
- 2.5 That the committee agree to a change to the Published Admission Number (PAN) for Downs Infant School from 120 to 90 pupils
- 2.6 That the committee agree to a change to the Published Admission Number (PAN) for Goldstone Primary School from 90 to 60 pupils

- 2.7 That the committee agree to a change to the Published Admission Number (PAN) for Moulseccomb Primary School from 60 to 30 pupils
- 2.8 That the committee agree to a change to the Published Admission Number (PAN) for Stanford Infant School from 90 to 60 pupils
- 2.9 That the committee agree to a change to the Published Admission Number (PAN) for West Blatchington Primary School from 60 to 30 pupils
- 2.10 That the committee agree to a change to the Published Admission Number (PAN) for Hove Park School from 300 to 180 pupils
- 2.11 That the Committee agree to make no change to the co-ordinated scheme for admissions or to the “relevant area”.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The School Admission Code determines the procedure by which the Published Admission Number of schools is set and amended. The council is required to abide by this statutory guidance to ensure the correct procedures are followed. Therefore, it is not possible to manage the situation more flexibly without following the process outlined in the School Admission Code requires the involvement of the Schools Adjudicator.
- 3.2 The Code also outlines 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 neighbouring local authority areas, where the admission authority is the local authority.
- 3.3 Pupil numbers overall across the city have been falling and are forecast to continue to fall over the next few years.
- 3.4 Schools are mostly funded on pupil numbers, if schools don't have enough pupils attending they may not be able to operate in a financially efficient way and risk entering a budget deficit. The council holds the financial risk if community schools move into a deficit budget position.
- 3.5 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 and this could ultimately mean that schools are forced to close.
- 3.6 The council is responsible for school place planning which includes both ensuring there are sufficient school places in the city when pupil numbers grow and to ensure there are not too many surplus places when pupil numbers fall as is the present situation. If the council is unable to manage this effectively the Secretary of State could intervene, and schools could be closed as a result.

- 3.7 The council is committed to keeping schools open and to try to avoid the risk of an increase in schools experiencing financial pressures. The proposals aim to sustain all schools in the city by identifying a range of schools to play a part in reducing the surplus of school places.
- 3.8 By seeking to only reduce the PAN of some schools in the city, it will ensure that the physical accommodation is available when the city receives an upturn in pupil numbers without a new capital programme being required.
- 3.9 Where it is feasible, proposals include large schools where there are projected to be fewer children in future years (in the council defined planning area for that school), however the council is the admissions authority for community schools only and cannot set the admissions number for other schools. The council has not proposed changes to schools which were oversubscribed with first preferences for September 2020 except where the planning areas would sustain the reduction in places.
- 3.10 The council has remained in dialogue with both the Diocese of Chichester and Diocese of Arundel & Brighton in relation to the projection of surplus places. As the admission authority for 15 primary schools in the city both Dioceses have a role to play but it is recognised that 11 of those schools are already one form entry primary schools.
- 3.11 On 21 September 2020, all schools were advised via a Schools Bulletin article, of the agreement of the CYP&S committee on 14 September 2020 to undertake a consultation on the proposed reduction of PAN at 9 schools.
- 3.12 On 5 October 2020, all schools were notified of the consultation and requested to draw parents' attention to the consultation. All documentations were supplied with the bulletin.
- 3.13 The consultation started on 5 October 2020 and closed on 27 November 2020. It was open for 8 weeks and a total of 54 days.
- 3.14 The council has endeavoured to publicise the consultation by issuing press releases 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.
- 3.15 A series of public meetings were arranged to facilitate discussion about the proposals and to collect views. Two meetings were arranged with a focus on each school featuring in the proposals, one during the daytime and one in the early evening. Due to the situation with Covid-19 the public meetings were held virtually through Microsoft Teams. Many of the meetings were well attended but there were IT difficulties reported for some families which made participation difficult.
- 3.16 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.

3.17 Endeavours were made 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, the Trust for Developing Communities was asked to do the same. EMAS (Ethnic Minority Achievement Service) provided information, advice and assistance to complete the consultation to families through their Home, School Liaison workers.

3.18 The council has been able to update its projection of future pupil numbers with information provided in November 2020 about the number of GP registrations in the city. In total the council anticipates that the following number of places are required:

September 2022 - 2,313

September 2023 - 2,194

September 2024 - 2,076

3.19 There are currently 2820 spaces in the reception year across the city. This means that there will be the following number of surplus places:

September 2022 - 507

September 2023 - 626

September 2024 - 744

3.20 Whilst the projection of pupil numbers fluctuates each year there is a clear trend of increasing surplus places. For the purpose of planning school places the city's primary schools are split into eight planning areas and the numbers of children requiring places within those areas is shown in Appendix 6.

3.21 It has been a long-standing convention that local authorities should plan to have between 5-10% surplus capacity to allow it to take account of parental preference, new arrivals in the city and small fluctuations in pupil numbers. The surplus capacity for September 2022 is currently 18% (507/2820), 22% (626/2820) in September 2023 and will rise to 26% (744/2820) in September 2024.

3.22 To maintain the recommended surplus capacity approximately 300 school places (207/2820= 7%) would need to be removed for September 2022. 8 Infant and Primary schools have been identified totalling 240 school places and if all of these proposals go ahead there will be 267/2580 = 10% surplus capacity in September 2022.

3.23 If the proposed reduction in PAN's were all to take place, in September 2023 there would be (386/2580) 15% surplus capacity rising to (504/2580) 20% in September 2024 suggesting the need to identify further schools for a reduction of PAN in future years in order to maintain surplus capacity below 10%.

3.24 Based upon current projections for September 2022 and if all the proposed reduction in PAN's were to take place, Central Hove would have 9 surplus places, Portslade would have 49 surplus places, Central City would have 60 surplus places and City North would have 11 surplus places. West Blatchington & North Hangleton would have insufficient places for 3 pupils living in that area

should all pupils express a preference to attend either school in the planning area.

- 3.25 School census data from January 2020 indicates that 23 reception pupils living outside the West Blatchington & North Hangleton planning area attend either West Blatchington Primary or Hangleton Primary school with 45 reception pupils living in this area attend schools elsewhere. This demonstrates a net loss of 22 reception pupils. Similarly, from the October 2020 census 34 reception pupils living outside the West Blatchington & North Hangleton planning area attend the two schools with 60 reception pupils living in this area attend schools elsewhere. This gives a net loss of 26 reception pupils.
- 3.26 There is evidence that more pupils living in the West Blatchington & North Hangleton planning area attend schools in other areas than live elsewhere and travel to attend schools in this area. Taking account of this trend it is expected that with a reduced PAN for West Blatchington all pupils living in this planning area will still be able to secure a place at one of these schools if this is requested.
- 3.27 Housing developments in the city add to the number of pupils requiring a school place but this impact is small in comparison to changing birth rates. It has been shown that different types of housing produce different numbers of additional pupils. If all of the 11,122 units of accommodation identified in the City Plan to be delivered by 2030 are realised this would generate an additional 1,023 primary age pupils by 2030. If these pupils were generated evenly over the next 10 years we would expect an additional 9 primary age pupils per year group each year across the whole city.
- 3.28 The School Admission Code details that once admission arrangements have been determined for a particular school year, they cannot be revised 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.
- 3.29 However, a variation to increase a school’s PAN is not required to be referred to the Schools Adjudicator and can be determined by the admission authority, this is the council for community schools.
- 3.30 In seeking committee approval at this stage to the reduction in the PAN at these schools the Council is aiming to avoid the uncertainty of a later application to the Schools Adjudicator, seeking a variation to admission arrangements that have been previously determined. Any such application would carry a risk that the Schools Adjudicator might not consider a low level of applications for a school to be a “major change in circumstances” when pupil projections are already indicating a rising number of surplus places across the city. A school could then be left with small class sizes which may present a financial pressure to the school.
- 3.31 If any subsequent increase to the PAN of a particular school is required, should the number of applications mean an additional class is required to ensure children have a place at a local school, the Council will be able to determine the

increase without reference to the Schools Adjudicator and in dialogue with the governing body of the school.

- 3.32 No primary schools have indicated a willingness to support the need for a reduction in surplus school places in the city through a reduction in their PAN from September 2022.
- 3.33 All proposals have been put forward by the council as part of its strategic responsibilities and it is accepted that governing bodies tasked with ensuring the school's clarity of vision, ethos and strategic direction may not proactively support a change in its PAN.

Consultation

- 3.34 There were 802 responses to the consultation submitted through the council's consultation portal. At the time of writing this report there were an additional 42 emails/letters providing comments and a petition against one of the proposals containing 100 signatories. Tables 1 below shows the range of respondents made through the consultation portal:

Table 1

Option - How have you be responding to this consultation?	Total	Percent
Brighton & Hove resident	119	14.82%
Parent or guardian of a child(ren) directly affected by the proposed changes	416	51.81%
Parent or guardian of a child(ren) not directly affected by the proposed changes	153	19.05%
Teacher in one of Brighton & Hove schools	55	6.85%
Governor at one of Brighton & Hove schools, please give detail below	18	2.24%
Representative of a voluntary or community group, please give details below	0	0.00%
Other, please give details below	31	3.86%
Not Answered	11	1.37%

- 3.35 Responses to the general question about whether respondents agree or disagree that the council should reduce the overall number of surplus school places in the city was answered by 799 people and showed that 488 responses (61%) strongly disagree or tend to disagree compared to 231 responses (29%) who strongly agree or tend to agree. Table 2 below shows the breakdown of responses to this question.
- 3.36 Some comments to this question supported the reduction but responses were mostly in relation to the proposals for individual schools. Comments included support from parents for smaller class sizes, autonomy for schools to decide their own PAN and that more spaces in the city gives parents greater choice. There was also concern that the proposals go too far and remove too many school places as there is perceived uncertainty about future demand.

Table 2

Option - that the council should reduce the OVERALL number of surplus school spaces in the city?	Total	Percent
Strongly agree	63	7.85%
Tend to agree	168	20.92%
Neither agree nor disagree	61	7.60%
Tend to disagree	107	13.33%
Strongly disagree	381	47.45%
Don't know / not sure	19	2.37%
Not Answered	4	0.50%

3.37 A greater number of responses supported avoiding closing a school wherever possible with 797 responses to this question. 621 responses (78%) strongly agree or tend to agree compared to 101 responses (13%) who strongly disagree or tend to disagree. Table 3 below shows the breakdown of responses to this question.

3.38 Comments to this question included the benefits that schools have to local communities and the need to have schools within walking distance for parents. There were a small number of comments suggesting undersubscribe schools should be closed rather than reducing the size of popular and oversubscribed schools.

Table 3

Option - that the council should try to avoid closing a school wherever possible?	Total	Percent
Strongly agree	454	56.54%
Tend to agree	167	20.80%
Neither agree nor disagree	62	7.72%
Tend to disagree	58	7.22%
Strongly disagree	43	5.35%
Don't know / not sure	13	1.62%
Not Answered	6	0.75%

Published admission numbers

3.39 The consultation responses raised various general comments including why the consultation was being conducted during a pandemic. Accuracy of forecast numbers was questioned as some expect an increase in families moving to Brighton & Hove from London due to changing working patterns and a potential baby boom caused by Covid restrictions and lockdown. The impact on parental preference, potential staff redundancies and the feeling that popular successful schools being proposed to protect less popular schools were regular themes. Many respondents supported the council's approach that larger schools should be reduced rather than smaller schools as the impact would be more manageable for larger schools.

- 3.40 Many responses from parents at all schools praised the education provision, staff dedication and particularly the work of headteachers and questioned why the high quality of education was not taken into account at the schools proposed for a reduced PAN.
- 3.41 On many occasions the council has made it clear that these proposals are in no way a reflection of the quality of education or leadership at the schools recommended to have their PAN reduced.
- 3.42 Responses for a number of schools questioned the impact a reduced PAN would have on the ethnic diversity of pupils at the school. This is considered as part of the Equalities Impact Assessment in Appendix 7 where analysis of existing pupil preferences shows this to have a minimal impact on diversity of most schools.
- 3.43 There is recognition of the view that reducing the published admission number for popular schools can have the implication of reducing the availability of places at these schools for parents in certain areas of the city. However the aim of the council with these proposals is to maintain a constant percentage of surplus places in a range of schools across the city so as pupil numbers further decline children in all communities can continue to access a local school.

Balfour Primary School

- 3.44 There were 715 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 231 respondents (29%) tended to disagree or strongly disagreed with this proposal compared to 171 respondents (21%) who strongly agreed or tended to agree with this proposal. 401 respondents (50%) didn't offer an opinion or didn't answer the question. There were very few comments provided on this proposal but those provided were in support of a reduction in PAN.

Table 4

Option - to reduce the PAN at Balfour	Total	Percent
Strongly agree	90	11.21%
Tend to agree	81	10.09%
Neither agree nor disagree	175	21.79%
Tend to disagree	70	8.72%
Strongly disagree	161	20.05%
Don't know / not sure	138	17.19%
Not Answered	88	10.96%

Benfield Primary School

- 3.45 There were 711 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 5 below. In total 237 respondents (30%) tended to disagree or strongly disagreed with this proposal compared to 93 respondents (12%) who strongly agreed or tended to agree with this proposal. 473 respondents (59%) didn't offer an opinion or didn't answer the question.

Table 5

Option - to reduce the PAN at Benfield	Total	Percent
Strongly agree	53	6.60%
Tend to agree	40	4.98%
Neither agree nor disagree	208	25.90%
Tend to disagree	70	8.72%
Strongly disagree	167	20.80%
Don't know / not sure	173	21.54%
Not Answered	92	11.46%

- 3.46 Comments highlighted that the school does not have deficit budget due to being federated with Hangleton Primary School and the potential effect of the proposals on the teaching school status. However, teaching schools nationally are being reviewed as is the way that they are funded.
- 3.47 Comments indicated that larger schools can accommodate a reduction in PAN of 30 more easily as Benfield would be reducing size by 50%. The school's PAN would be reducing by 50% however with the current low preference numbers which will be exacerbated by falling numbers needing future school places, the actual number on roll would only reduce marginally.
- 3.48 Comments suggested that the proposal would reduce parental choice as this is the only two form of entry secular school in this area and concern that a reduction at Benfield has been proposed again after similar proposal were not take forward two years ago. It should be noted that parents do not get a choice of school but can express a preference. The aim of the proposals by reducing the PAN at a number of schools is to maintain a constant percentage of surplus spaces in the city year on year. Consequently, as pupil numbers decrease this should allow parents a similar opportunity to secure a place at a school of preference.
- 3.49 Representations made on behalf of the governing body indicate that they strongly oppose any reduction in the school's PAN and should the proposal goes ahead it is highly likely there will be an objection made to the Schools Adjudicator.

Brunswick Primary School

- 3.50 There were 713 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 6 below. In total 249 respondents (31%) tended to disagree or strongly disagreed with this proposal compared to 116 respondents (14%) who strongly agreed or tended to agree with this proposal. 438 respondents (55%) didn't offer an opinion or didn't answer the question.

Table 6

Option- to reduce the PAN at Brunswick	Total	Percent
Strongly agree	68	8.47%
Tend to agree	48	5.98%

Neither agree nor disagree	197	24.53%
Tend to disagree	60	7.47%
Strongly disagree	189	23.54%
Don't know / not sure	151	18.80%
Not Answered	90	11.21%

- 3.51 The comments questioned the rationale for reducing PAN at popular schools when there are less popular schools in the same planning area, that the proposal will have impact on pupils already attending the school due to a reduced budget and that the school has been historically oversubscribed.
- 3.52 Brunswick is a popular school that has been oversubscribed in previous years drawing pupils from a large area beyond the planning area. Pupil forecasts indicate a need to reduce the number of places in this planning area but options are limited. West Hove infant school is already reducing PAN in September 2021 and Goldstone Primary is included in the proposals to reduce PAN in 2022. The remaining schools in this planning area are own admission authority schools where the council cannot set the PAN.
- 3.53 Forecast numbers indicate 9 surplus places in September 2022 for this planning area if both proposals go ahead, 33 surplus places in September 2023 and 66 surplus places in September 2024. Analysis of past parental preference indicates that an average loss of 33 pupils who live in this planning area but attend schools in other areas each year which would suggest the potential number of surplus places in September 2022 to be closer to 42 places.
- 3.54 The governing body are opposed to the proposed outcome that Brunswick Primary is reclassified as a three form entry school from September 2022.

Downs Infant School

- 3.55 There were 730 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 7 below. In total 388 respondents (48%) tended to disagree or strongly disagreed with this proposal compared to 102 respondents (13%) who strongly agreed or tended to agree with this proposal. 313 respondents (39%) didn't offer an opinion or didn't answer the question.

Table 7

Option- to reduce the PAN at Downs	Total	Percent
Strongly agree	63	7.85%
Tend to agree	39	4.86%
Neither agree nor disagree	131	16.31%
Tend to disagree	52	6.48%
Strongly disagree	336	41.84%
Don't know / not sure	109	13.57%
Not Answered	73	9.09%

- 3.56 Comments indicated that Downs Infant is a popular school that is currently oversubscribed and the future impact on the linked Junior school in 3 years' time

needs to be considered. They identify the benefits of current school size which enables the delivery of a high level of education was raised and that reducing the intake would deprive 30 pupils of the high quality education provided at Downs Infant School and that reducing PAN will consequently narrow the cut off distance and as a result the ethnic diversity of the school.

- 3.57 Comments suggest that sibling make up large number of applications each year so reducing PAN will mean fewer places available for children living in the surrounding area. While siblings make a high proportion of applications for a number of schools, as a reduced PAN works its way through the school, the number of pupils with a sibling link applying will naturally reduce.
- 3.58 Responses to the consultation were provided on behalf of both the infant and linked junior school governing bodies raising concerns that the proposal could deprive pupils a place at the school who want to attend and would have an impact on the diversity of pupils able to attend. They highlight the financial implications of the proposals and potential impact on SEN provision. Some respondents accepted that action needs to be taken by the council to reduce the number of surplus places in the city but not at Downs Infant school.
- 3.59 Pupil forecasts indicate a significant number of surplus places in this planning area and all three and four form entry schools in this area have been identified to reduce PAN which includes Stanford Infant and Balfour Primary. If the proposals for all three of these schools go ahead there will still be 60 surplus places in this planning area in September 2022, 102 surplus place in September 2023 and 110 surplus places in September 2024.
- 3.60 Downs Infant is a popular school that has been oversubscribed in previous years drawing pupils from a large area beyond the planning area. As pupil numbers in the planning area reduce it will be possible for parents to secure a place at this school from further and further afield. It is recognised that reducing the PAN at Downs Infant will potentially deprive some parents living further from the school the opportunity to send their children to this school. This must be balanced against the need to support local schools in other communities from being forced to close due to falling numbers on roll.

Goldstone Primary School

- 3.61 There were 710 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 8 below. In total 359 respondents (45%) tended to disagree or strongly disagreed with this proposal compared to 97 respondents (12%) who strongly agreed or tended to agree with this proposal. 455 respondents (57%) didn't offer an opinion or didn't answer the question.

Table 8

Option- to reduce the PAN at Goldstone	Total	Percent
Strongly agree	58	7.22%
Tend to agree	39	4.86%
Neither agree nor disagree	192	23.91%
Tend to disagree	62	7.72%

Strongly disagree	189	23.54%
Don't know / not sure	170	21.17%
Not Answered	93	11.58%

3.62 Comments questioned the amount of surplus capacity for parental preference and in-year movement if all proposals take place which is why the proposals aim to maintain between 5-10% surplus capacity in the city.

3.63 Comments identified that the pupil forecast is based upon specific planning areas but the school draws pupils from outside this area and is skewed by the geographical location of the school at the edge of the planning area. While pupil places are planned using specific planning areas it is recognised and accounted for that due to parental preference and location of schools there is movement of pupils across planning area boundaries.

3.64 Concern was raised by respondents about the impact on nursery class and ability for school to raise additional income for holiday schemes, school clubs and breakfast club if the proposal went ahead. Concerns were also raised about the potential impact on school's culture, the ethnic and socio-economic diversity of pupils able to attend as is a popular school which is historically oversubscribed.

Moulsecomb Primary School

3.65 There were 706 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 9 below. In total 216 respondents (27%) tended to disagree or strongly disagreed with this proposal compared to 94 respondents (12%) who strongly agreed or tended to agree with this proposal. 493 respondents (61%) didn't offer an opinion or didn't answer the question.

Table 9

Option- to reduce the PAN at Moulsecomb	Total	Percent
Strongly agree	49	6.10%
Tend to agree	45	5.60%
Neither agree nor disagree	218	27.15%
Tend to disagree	72	8.97%
Strongly disagree	144	17.93%
Don't know / not sure	178	22.17%
Not Answered	97	12.08%

3.66 There were very few comments provided on this proposal but those given were in support of a reduction in PAN due to the positive effect on other local school that are not currently oversubscribed. The school continues to be subject to an Academy Order and its future status remains unclear. However, at this time it remains a community school and its admission authority is the council.

Stanford Infant School

3.67 There were 733 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 10 below. In total

390 respondents (49%) tended to disagree or strongly disagreed with this proposal compared to 86 respondents (11%) who strongly agreed or tended to agree with this proposal. 327 respondents (41%) didn't offer an opinion or didn't answer the question.

Table 10

Option- to reduce the PAN at Stanford	Total	Percent
Strongly agree	49	6.10%
Tend to agree	37	4.61%
Neither agree nor disagree	149	18.56%
Tend to disagree	58	7.22%
Strongly disagree	332	41.34%
Don't know / not sure	108	13.45%
Not Answered	70	8.72%

- 3.68 Comments suggested that there are currently areas in the city where access to a local primary school is difficult and the proposals will make this worse, schools need to be within walking distance of pupils' homes. While these comments were intended to show support the schools existing PAN they also add weight to the general aim of the proposals to keep schools open so that families living in all communities will have access to a local school.
- 3.69 Other comments indicated that a high number of siblings apply each year so reducing PAN will mean only a small number of pupils from the local area are able to secure a place. While siblings make a high proportion of applications for a number of schools, as a reduced PAN works its way through the school, the number of pupils with a sibling link applying will naturally reduce.
- 3.70 Responses also identified that Stanford Infant school is smaller than Downs Infants therefore a reduction in PAN would have a greater effect on this school. That it is a popular school historically oversubscribed and by removing 30 places from this school would deprive 30 children of its Ofsted rated, outstanding education. Comments were made about the future impact on linked junior school and that there is a lack of secular school places within walking distance if both changes to Stanford and Brunswick Primary school go ahead.
- 3.71 It was suggested by a number of respondents that schools with older buildings will have larger running costs so a reduced budget resulting from a lower PAN will affect these schools more. The council recognises that any school with a reduced PAN would have excess accommodation needing to be maintained but this could also be utilised by schools in different ways. Approximately 80% of a schools funding is spend on staffing and all schools maintaining excess accommodation would be expected to set budgets accordingly.
- 3.72 A representation was provided by the headteacher on behalf of the staff at the school highlighting what they feel would be far reaching consequences of reducing the PAN such as the financial impact on the school and existing pupils, the impact of reorganisation on staff and that the school has not been significantly undersubscribed in previous years.

West Blatchington Primary School

3.73 There were 724 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 11 below. In total 301 respondents (37%) tended to disagree or strongly disagreed with this proposal compared to 80 respondents (10%) who strongly agreed or tended to agree with this proposal. 422 respondents (53%) didn't offer an opinion or didn't answer the question.

Table 11

Option - to reduce the PAN at West Blatchington	Total	Percent
Strongly agree	49	6.10%
Tend to agree	31	3.86%
Neither agree nor disagree	191	23.79%
Tend to disagree	59	7.35%
Strongly disagree	242	30.14%
Don't know / not sure	152	18.93%
Not Answered	79	9.84%

3.74 Comments on this proposal highlighted that the school has the only primary Autistic Spectrum Condition (ASC) unit in the city. Reducing PAN will be disadvantaging pupils in this unit by reducing the opportunity for these pupils to successfully integrate into mainstream classes. The school is a new, purpose built, 2 form entry school with great facilities and it would be better to reduce the PAN at schools with older buildings and less facilities.

3.75 Responses highlighted that the school has had an increase in applications this year and that ASC pupils attend from across the city and often have siblings also wanting to attend so these proposal could result in local pupils not being able to attend. However, consideration of the forecast numbers and past parental preferences supports the view that with a reduced PAN the school will still be able to accommodate all pupils living in the local area who require a place at this school.

3.76 Concerns were raised that a large percentage of pupils with EHCP and a reduced budget would disproportionately affect the SEND support offer however the ASC provision and funding would be unaffected by these proposals.

3.77 The potential impact on the nursery if the proposal goes forward was also raised. Although no priority is given to pupils attending nursery provision, uptake of these places could be affected if parents felt it was unlikely to secure a reception place.

3.78 Representations made on behalf of the governing body indicate that they strongly oppose any reduction in the schools' PAN and should the proposal goes ahead it is highly likely that there will be an objection made to the Schools Adjudicator.

Hove Park School

3.79 There were 702 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 12 below. In total

237 respondents (30%) tended to disagree or strongly disagreed with this proposal compared to 94 respondents (12%) who strongly agreed or tended to agree with this proposal. 472 respondents (59%) didn't offer an opinion or didn't answer the question.

Table 12

Option- to reduce the PAN at Hove Park	Total	Percent
Strongly agree	53	6.60%
Tend to agree	41	5.11%
Neither agree nor disagree	203	25.28%
Tend to disagree	68	8.47%
Strongly disagree	169	21.05%
Don't know / not sure	168	20.92%
Not Answered	101	12.58%

3.80 There were few comments provided in relation to this proposal but they include concern that reducing PAN will reduce parental choice, affect the proportion of SEND children attending and that the number of places being removed is too high given the unknown effect of new housing developments in Hove.

3.81 The final consultation question asked respondents if there are other schools where a reduction in PAN should be considered, 308 respondents answered this question. Many responses identified particular schools for further consideration and themes were identified such as only reducing larger schools, suggestions that no schools should have their PAN changed or that all schools in the city reduce PAN equally. Other responses suggested that only unpopular undersubscribed school should be considered, and that church aided schools should be considered as well as community schools.

Secondary school admission arrangements

3.82 66 responses were provided to this part of the consultation with the majority supporting no change to the current arrangements. A small number of individual points were made regarding possible changes to the oversubscription criteria and tie break however these do not indicate a need to amend the proposals and therefore it is recommended that no change is made to the secondary school admission arrangements.

3.83 In previous years both Brighton Aldridge Community Academy and Portslade Aldridge Community Academy have shared the council's admission arrangements however the Aldridge Education Multi-Academy Trust are consulting on amending the admission arrangements for these schools in 2022-23.

Infant & Primary school admission arrangements

3.84 60 responses were provided to this part of the consultation with the majority supporting no change to the current arrangements. A small number of individual points were made regarding possible changes to the oversubscription criteria such as introducing a distance limit for sibling priority and a new priority for pupil

premium children. These responses do not indicate a need to amend the proposals and therefore it is recommended that no change is made to the Infant & Primary school admission arrangements.

The co-ordinated admission schemes for 2022/23

- 3.85 Only 20 responses were received regarding this matter. The majority of responses were not specifically relevant to the schemes and where individual points were made regarding the co-ordinated scheme these do not indicate a need to amend the proposals and therefore it is recommended that no change is made to these schemes.

The 'relevant area' for consultation

- 3.86 53 responses were received regarding this element of the consultation. The majority of the responses were not specifically related to the 'relevant area' which is the area which the Local Authority uses when consulting on admissions arrangements. It is currently defined as the area within the Brighton and Hove city boundaries and no change was proposed to the relevant area for September 2022. It is recommended that no change is made to the 'relevant area as currently stated.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Council only consulted upon the proposal to reduce the PAN of nine schools. Any additional changes in this report would not have been 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 primary 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 Once admission arrangements have been determined by the Council it is possible to seek agreement from the Schools Adjudicator for a variation to the PAN of schools with effect from September 2022 after notifying all other admission authorities within the relevant area. This needs to follow a major change in circumstances.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Council scrutinised the Voluntary Aided (VA) Schools and Free Schools' proposed admission arrangements for 2022/23. 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 before deciding whether it should comment or act further.

- 5.2 The Council has previously requested that Headteachers and Chairs of Governors inform it if a future reduction in PAN was a proposal that they would wish to undertake. No schools have indicated a willingness to undertake such a reduction.
- 5.3 Two virtual public meetings, one during the day and one in the early evening were facilitated for each school where there is a proposed reduction in PAN. These were conducted through Microsoft Teams. There was a range of attendance from no parents at some events up to 50 participants at others.
- 5.4 The consultation started on 5 October 2020 and closed on 27 November 2020. Information about the consultation and links to the virtual public meetings was available on the council's website www.brighton-hove.gov.uk/SchoolAdmissionsConsultation. Background information and frequently asked questions were provided and updated throughout the consultation period.
- 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 During the consultation period an update of the GP registration data was received and revised forecasts provided (appendix 6) including the first indication of places needed for September 2024.
- 5.7 Additional information was published on the council's website during the consultation such as analysis of the accuracy of the pupil forecast. This shows that for pupils starting school in the last two years the forecast is 99% accurate when looking one year in advance, greater than 98% accurate two years in advance and around 97% accurate three years in advance.
- 5.8 An Equalities Impact Assessment was conducted to ensure that the consultation was conducted to ensure that groups with protected characteristics were included. Responses from the consultation portal show that only just over a hundred respondents (approx. 13%) completed the equalities monitoring questions from which it is difficult to draw any conclusions. Feedback from the Ethnic Minority Achievement Service (EMAS) indicated that many parents from ethnic minorities or with English as an additional language found the consultation confusing even with assistance. There was a reluctance to participate from some groups as they felt that it didn't affect them partly due to the uncertainty of the housing situations so children may have to move schools anyway and a trust that whatever school parents get it will be a good school. The difficulty of not being able to attend a local school was however identified as a potential problem.

6. CONCLUSION

- 6.1 The projected number of children requiring a school place in Brighton & Hove is falling in the coming years, which is leading to an increase in surplus school places across the city. If a school's PAN is significantly higher than the number of

places allocated, then it could generate a financial pressure on the school. This would lead to staffing changes and a need to review the diversity and opportunities of curriculum delivery together with less funding to maintain the school's accommodation.

- 6.2 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.
- 6.3 Updated pupil forecast based upon November 2020 GP data confirm the expected trend of reducing pupil numbers over the next 4 years however the numbers expected have changed for some planning areas for September 2022.
- 6.4 The council is required to manage the availability of school places in the city and with pupil numbers falling there is a demonstrable need to reduce the number of surplus places in the city. The aim of these proposals is to support the whole family of schools with the commitment to avoid closing schools and preserving the physical accommodation for future need which has to be balanced against the impact on individual schools some of which may not yet have been directly affected by a significant drop in pupils on roll.
- 6.5 After consultation on proposals to reduce the Published Admission Number it is recommended that the committee agree to a change to the Published Admission Number (PAN) for the following 9 schools:
 - Balfour Primary School from 120 to 90 pupils
 - Benfield Primary School from 60 to 30 pupils
 - Brunswick Primary School from 120 to 90 pupils
 - Downs Infant School from 120 to 90 pupils
 - Goldstone Primary School from 90 to 60 pupils
 - Moulsecoomb Primary School from 60 to 30 pupils
 - Stanford Infant School from 90 to 60 pupils
 - West Blatchington Primary School from 60 to 30 pupils
 - Hove Park School from 300 to 180 pupils

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Pupil numbers are the most significant component in determining individual schools' budgets. 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. Without this proposal there is a possibility that some schools become financially unviable due to low pupil numbers.
- 7.2 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.

Finance Officer Consulted: Steve Williams

Date: 07/12/20

Legal Implications:

- 7.3 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.
- 7.4 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 2014 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. The admission arrangements must be determined by 28 February 2021.
- 7.5 Community schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish.
- 7.6 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 LA's to consult on these proposals every two years.

Lawyer Consulted: Serena Kynaston Date: 21.12.2020

Equalities Implications:

- 7.7 An Equality Impact Assessment has been carried out on the proposals being recommended to the committee. The assessment can be found at Appendix 7 and the results have been incorporated into the content of the report.
- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 It is recognised that to foster strong community cohesion school's intake should seek to reflect the city's diversity.

Sustainability Implications:

- 7.12 There are no sustainability implications as a result of the proposals in this report.

7.13 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.

7.14 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

7.15 Any change in PAN is expected to require the school's travel plan to be re-written to take account of the change.

7.16 In relation to Hove Park School many secondary aged pupils will either use public transport or make their own way to school. As a school that often has surplus places on allocation students from further away in the city are often allocated a place there. This will reduce should the school's PAN be reduced.

7.17 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.

Any Other Significant Implications:

7.18 None

SUPPORTING DOCUMENTATION

Appendices:

1. Proposed Published Admission Numbers for Primary and Secondary schools.
2. Proposed Admission arrangements and priorities for community primary and secondary schools
3. Proposed Coordinated scheme of admissions – primary.
4. Proposed Coordinated scheme of admissions – secondary.
5. Proposed Coordinated scheme of admissions – in year arrangements
6. Primary school pupil projections by planning areas
7. Equalities Impact Assessment

Documents in Members' Rooms

Consultation responses

Background Documents

None

Primary Admissions Numbers 2022/23	Planned Admission No. 2022-23
Name of School	
Aldrington CE Primary	60
Balfour Primary	90
Benfield Primary	30
Bevendean Primary	60
Bilingual Primary	90
Brunswick Primary	90
Brackenbury Primary	30
Carden Primary	60
Carlton Hill Primary	30
City Academy Whitehawk	60
Coldean Primary	60
Coombe Road Primary	30
Cottesmore St Marys Catholic	60
Downs Infant	90
Downs Junior	128
Elm Grove Primary	60
Fairlight Primary	60
Goldstone Primary	60
Hangleton Primary	60
Hertford Infant	60
Hertford Junior	60
Hove Junior School (Holland Road)	90
Hove Junior School (Portland Road)	128
Middle Street Primary	30
Mile Oak Primary	60
Moulsecoomb Primary	30
Our Lady of Lourdes	30
Patcham Infant	90
Patcham Junior	96
Peter Gladwin Primary	30
Queens Park Primary	60
Rudyard Kipling Primary	60
Saltdean Primary	90
St Andrew's CE Primary	90
St Bartholomew CE Primary	30
St Bernadette's Catholic Primary	30
St John The Baptist Catholic Primary	30
St Joseph's Catholic Primary	30
St Lukes Primary	90
St Margaret's CE Primary	30
St Mark's CE Primary	30
St Martin's CE Primary	30
St Mary Magdalen Catholic Primary	30
St Mary's Catholic Primary	30
St Nicolas CE Primary	60
St Paul's CE Primary	30

St Peter's Community Primary	30
Stanford Infant	60
Stanford Junior	96
West Blatchington Primary	30
West Hove Infant (Portland Road)	120
West Hove Infant (Connaught Road)	60
Westdene Primary	60
Woodingdean Primary	60
Secondary Admission Numbers 2022-23	
Name of school	Planned admission no. 2022-23
Brighton Aldridge Community Academy	180
Blatchington Mill	330
Cardinal Newman Catholic	360
Dorothy Stringer	330
Hove Park	180
King's	165
Longhill High	270
Patcham High	225
Portslade Aldridge Community Academy	240
Varndean	300

Admission Arrangements for Brighton & Hove Schools 2022/23

Admission Arrangements for Secondary Schools

The Council uses a catchment area system with random allocation being used as the tie breaker in each admission priority in the event of oversubscription. Cardinal Newman Catholic School and King's School have their own admission priorities (please visit www.brighton-hove.gov.uk/schooladmissions for details). Brighton Aldridge Community Academy (BACA) and Portslade Aldridge Community Academy (PACA) adopted the council's admission arrangements in the past but are now consulting on changing their admission arrangements for 2022/23.

If a school is oversubscribed, after the admission of pupils with an Education, Health and Care Plan where the school is named in the Plan, priority for admission will be given to those children who meet the oversubscription criteria set out below.

The oversubscription priorities are applied in the context of an equal preference system as required by the School Admissions Code. They are:

1. Children in the care of a local authority (looked after children), and children who were looked after in England or elsewhere but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).
2. Compelling medical or other exceptional reasons* for attending the school.
3. A sibling link** applied for those living within the designated catchment area only.
4. Those pupils living in the designated catchment area for the school(s).
5. Other children.

Within all these priorities, the tie break is random allocation.

The current catchment areas are set out in the attached catchment area map. It also includes information about which post codes are in each of the catchment areas.

Admissions Arrangements for Community Infant, Junior and Primary Schools

Parents must make a separate application for any transfer from nursery to primary school and from infant to junior school. If a school is oversubscribed, after the admission of pupils with an Education, Health and Care Plan where the school is named in the Plan, priority for admission will be given to those children who meet the oversubscription criteria set out below.

The oversubscription priorities are applied in the context of an equal preference system as required by the Admissions Code. They are:

1. Children in the care of a local authority (looked after children), and children who were looked after in England or elsewhere but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).
2. Compelling medical or other exceptional reasons* for attending the school.
3. Sibling** link.
4. For junior schools only: children attending a linked infant school***.
5. Other Children.

Within all these priorities, the tie break is home to school distance which will be measured by the shortest route from the child's home to the nearest of the school's gates. This will be measured by specialist computer software based on Ordnance Survey data. It measures using the road network supplied by Ordnance Survey and some other public rights of way which are paved and lit. Routes across public parks or open spaces will not be accepted. When using roads for measurement purposes the computer measures along the middle of the road. It measures from the address point in the property to the nearest point on the road network and from there to the nearest of the school's gates to the child's home. No other measurement systems will be used for school admissions decisions. Where the home addresses of two or more pupils are an equal distance from the school (eg. two children living in the same block of flats) and only one place remains available at the school in question, the place will be allocated randomly by computer to one of these pupils.

Late applications –

If an application is returned after the closing date without good reason it will be considered after all the on-time preferences have been dealt with and school places allocated to them. If there is a good reason for the application being late, such as a recent house move to Brighton & Hove, it will be considered as on-time if it is received by 20 January (Secondary) or 8 March (Infant, Primary & Junior) and is accompanied by independent supporting evidence demonstrating why the form is late, e.g. solicitor's letter confirming exchange of contracts or a recently signed tenancy agreement.

Applications submitted after the closing date listing revised preferences will only be considered from July onwards **unless** there has been a house move. This is to ensure that parents and carers who do this do not gain an unfair advantage over others by having the opportunity to list more than three preferences.

Home Address - The school admissions team will allocate school places using the address at which a child lives on the closing date for applications 31 October (Secondary) or 15 January (Infant, Primary & Junior) although late changes of address will be considered if proof of address is received by 20 January (Secondary) or 8 March (Infant, Primary & Junior). Only one address can be used for admission purposes even if the pupil spends equal time at two households. If it is unclear what is the pupil's main address this will be taken as the address where the child is registered with a doctor.

Deferred admission - Children start school in the school year during which they have their fifth birthday. Children are allowed to start full-time in September or can defer admission or attend part-time until they reach compulsory school age. Children become compulsory school age in the term after their fifth birthday. Children whose fifth birthday falls between 1 September and 31 December may defer or attend part time until January. Children whose fifth birthday falls between 1 January and 31 March can defer admission or attend part time until the start of the summer term. Children whose fifth birthday is between 1 April and 31 August don't become compulsory school age until the following September however they can also defer admission or attend part time until the start of the summer term. Where a place is deferred it will not be given to another child provided the place is taken up by the beginning of the school term following the child's fifth birthday and within the school year that the offer was made.

Parents can request for a 'summer born' child to start school **outside of their normal age group**, and be admitted to reception rather than Year 1 as detailed below.

Admission outside a normal age group -

Parents who are applying for their child to have a decelerated entry to school, i.e. to start later than other children in their chronological age group, should initially apply for a school place in accordance with the deadlines that apply for their child's chronological age.

Parents who are applying for their child to have an accelerated entry to school, i.e. to start earlier than other children in their chronological age group, must initially apply for a school place at the same time that other families are applying for that cohort.

Applications should be accompanied with the additional form to request that the child is educated out of year group. Reasons for the request and any evidence to support the case should be included with the form. Evidence could include: information about the child's personal, social, emotional development and academic development; if relevant, medical history and views of a medical professional; whether the child has previously been educated out of year group and whether the child was born prematurely.

The admission authority, will consider each case on its merits taking into account the child's best interests and either agree or refuse the request on that basis. Where the council is the admission authority, the views of the headteacher of each school will be sought before a decision is taken. Late requests will be considered up until 8 March (Infant, Primary and Junior) or 22 January (Secondary) if there is good reason why the request could not be made by the closing date for applications. Requests made after this date will not be considered. Parents will be made aware of the outcome of the request for admission out of year group before national offer day and reasons for the decision will be shared with them.

Waiting lists –

The council holds waiting lists for community schools, BACA, PACA and Bilingual primary school. Pupils who have not been offered one of these schools as their first preference will have their name added to the waiting list for this school. Parents can request that their child's name is also added to the waiting list for their second and/or third preference school by contacting the school admissions team. Waiting lists are held until 31st December at which point pupils' names will be removed from the list. Parents can keep their child's name on the waiting list for the following term by contacting the admissions team in the last week of each term to request this. Pupils are added to waiting lists according to the oversubscription priorities listed above and consequently a pupils name can move down the list as well as up. Waiting lists for secondary schools are called reallocation pools. Each time the council is able to offer a place, or places at a school with a reallocation pool, the list is re-randomised and the place allocated to the child at the top of the list.

Late applicants will also be added to waiting lists as soon as possible after they apply. Late changes of preference (revised applications) will be added to the waiting list for the new preference as soon as possible from July onwards. The pupil's name will be removed from the waiting list for the previous preferences.

Notes:

***Exceptional Circumstances** - This priority applies to pupils with a specific need that can only be met by one school rather than any other. This could include medical or social reasons that make it essential for the child to attend a particular school. Independent supporting information must be provided from a professional, for example a doctor, consultant, social worker or other professionals working with the family which makes a compelling case as to why the child's needs can only be met at the preferred school and no other. A medical condition or diagnosis in itself will not automatically result in priority being given. Advice may be sought from the consultant community paediatrician or other relevant professionals where necessary to determine whether or not the evidence provided is sufficiently compelling to qualify under this category.

****Sibling link** - For the purposes of the school admissions process, children are siblings if they share the same main address and live as part of the same household. A sibling link will apply if the sibling will be attending the school in September 2022. Where separate junior and infant schools are linked (see linked Infant/Junior school below), the sibling link will apply across both linked schools the sibling may be at either school and may be older or younger. If two children, of whom one is due to start junior school and the other infant school in the same September, the junior school child's allocation will be done first and a sibling link will count for the infant child. A sibling link is only taken into account if children live at the same main address and the sibling has already been allocated a place at the school. Twins or multiple births do not qualify for the sibling link unless one child has already been offered a place. Where a sibling attends a nursery class on the same school site, or a sixth form it will not be counted as a link for admissions purposes.

*****Linked infant/Junior Schools** - Children who are attending or have been offered a place at an infant school in the list below will have priority for places at the linked junior school providing the allocation took place by 8 March in the admission year.

- Downs Infant - Downs Junior
- Hertford Infant - Hertford Junior
- Patcham Infant - Patcham Junior
- Stanford Infant - Stanford Junior
- West Hove Infant Portland Road – Hove Junior Portland Road
- West Hove Infant Connaught Road - Hove Junior Holland Road

There is no link between West Hove Infant Connaught Road and Hove Junior Portland Road, or between West Hove Infant Portland Road and Hove Junior Holland Road.

BRIGHTON & HOVE CITY COUNCIL

Scheme for co-ordinated admissions to infant, primary and junior schools – Admissions Year 2022/23 (Admissions to Reception or year 3 of Junior School in September 2022)

Introduction

The main purpose of the co-ordinated scheme is to ensure that every parent of a child living in Brighton & Hove who has completed a school preference form receives one offer of an infant, primary or junior school place. This will be on a set date following the conclusion of the normal admission round for pupils seeking admission to school. The scheme is designed to foster clear communications on school admissions between the City Council, community schools, Academies (for the purposes of this document Free Schools are included as Academies), and voluntary aided schools which act as their own admission authority, and neighbouring Local Authorities (LAs) and admission authorities. It fulfils the requirements of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements (England)) Regulations 2014 and more detailed arrangements set out in the School Admissions Code 2014.

The scheme does not affect the rights of voluntary aided schools and Academies to set their own admission priorities, and consider applications on the basis of those priorities. It is intended to set out a process and time scale for the exchange of pupil information between the parties to the scheme, resulting in the offer of a single school place. This should represent a preference listed by the parent /carer following the application of the admission priorities by the Local Authority (LA) or by own admission authority schools. Where it is not possible to allocate a place at any of the preferred schools for a child living in Brighton & Hove, a place will be offered at the nearest school to their home address within the city boundaries with a place available. This will not preclude parents from seeking an alternative place elsewhere if they are unhappy with the offer, nor will it prevent them from lodging an appeal with the admission authority for their preferred school.

All residents of Brighton & Hove should apply using the City Council's common application form (online or paper) even if they are seeking a place at a maintained school in the area of another Council.

The time scales set out in the scheme will be broadly in line with the time scales used by neighbouring LAs. **Please be aware that governing bodies for VA schools and Academies will need to meet between 21 February 2022 and 08 March 2022 when the ranking order needs to be returned to the Local Authority.**

Key dates

- Online application facility available 1 September 2021
- Distribution of admission booklets on request
- Closing date for applications 15 January 2022

- Preference data exchanged with Voluntary aided schools and other LAs. 21 February 2022
- Voluntary Aided schools provide Council with provisional ranking order of all applicants. 08 March 2022
- Data exchanged with VA schools and neighbouring authorities 08 March 2022
- Consider qualifying late applications. 08 March 2022
- Finalise allocations and provide schools with offer details. 08 April 2022
- Decisions emailed to parents/carers, Letters posted to parents who applied on paper. 19 April 2022
- Deadline for acceptance of places and appeals to be heard in the main round. 23 May 2022

Process and detailed time scale – infant, junior and primary schools

1. The school admissions booklet published by the City Council will be distributed on request to parents/carers applying for infant or primary school places. A publicity campaign will be launched in September 2021 encouraging parents to apply online. Leaflets and posters will be sent to schools, other council services, early years settings, the press and other media to remind parents of those pupils requiring a school place to apply.
2. Parents/carers will be invited to list 3 preferences for a school place ranked in order of priority. These may be at a City Community School, an academy, a free School or a voluntary aided school, or any maintained school outside the City of Brighton & Hove. Those residents in the City must use the Brighton & Hove school admission preference form to indicate their preferred schools, either the paper or online form. No other form of application will be valid. The LA allocates places on the basis of equal preferences, and each preference listed will be prioritised on the basis of the published admission priorities for community and own admission authority schools. If it is possible to offer more than one place on the basis of those priorities, the one ranked higher on the preference form will be offered.
3. Parents and carers are strongly advised to apply online through the facility available on the Brighton & Hove City Council website. This will provide them with a response which confirms their preference listing and acts as proof of application. Alternatively the paper form should be completed and returned to their local infant/primary school or to the Admissions Team at Hove Town Hall, Hove **by 15 January 2022.**
4. Where as part of its admission priorities a voluntary aided school requires additional supporting information, such as a Supplementary Information form, or proof of denominational commitment, that form or proof should be completed and returned by the same closing date. This is to ensure that target dates for the exchange of pupil information and the notification date for parents/carers can be met. Provided the LA preference form has been completed and returned, that additional information may be given direct to

the school, or handed in with the preference form. Parents/carers will be advised through the admissions booklet for Brighton & Hove, and through school published information, of any such additional information requirements for voluntary aided schools. Parents/carers with queries about voluntary aided school admission requirements should contact the school for further information.

5. If using an application form rather than online application parents and carers are strongly advised to send their form via a preferred school. Parents who post the form should understand that proof of posting is not proof of receipt, and they will not have confirmation in the same way as those applying online or returning the form to a school. All maintained infant and primary schools in the city will return preference forms to the LA in as they are received, with the final batch as soon as possible after the closing date. Schools should maintain a record of the date on which each form was received, and if required will provide proof of receipt to the parent/carer. This ensures that on time applications and late applications are clearly recorded as such. It also provides assurance for parents should the school or the LA subsequently mislay the form.

6. No later than 15 February 2022

- ❖ LA will identify the numbers of preferences (first, second and third) received for each school.
- ❖ Voluntary aided schools, free schools and academies will be provided with details of parental preferences where their school is given as a preference. They will apply oversubscription criteria to prioritise all preferences. Where pupils have an Education, Health & Care Plan (naming the school) and must be offered a place this will be indicated. These pupils must be given a place at the school in accordance with the SEN and Admissions Code. This applies to all maintained schools, including voluntary aided.
- ❖ West and East Sussex and other LA's as necessary will be forwarded the details of preferences expressed for their schools by Brighton & Hove parents/carers (first, second and third). Where the pupil has an Education, Health & Care Plan this will be indicated.
- ❖ West and East Sussex will be asked to provide a list of pupils living in those areas who have expressed a preference for a Brighton & Hove school (first, second or subsequent).

7. No later than 8 March 2022

- ❖ Voluntary aided schools, free schools and academies will provide the LA with a list showing children in priority order for places at the school. The list will show which oversubscription criterion was applied to each child, and relevant information to apply any necessary tie-break. The school will advise the LA of such additional information as is necessary to inform parents of the reason for its decision when allocation letters and emails are sent on 19 April 2022.
- ❖ Other LAs will provide Brighton & Hove LA with a list of which Brighton & Hove pupils could be offered places in their schools. They will advise

Brighton & Hove of the reason where a preference cannot be met for inclusion in the allocation letters on 19 April 2022.

- ❖ Brighton & Hove will apply its admission priorities to all preferences received for community schools, and where the children are resident in other LAs, will inform that LA.

8. No later than 8 April 2022

- ❖ Brighton & Hove will establish whether more than one offer could be made on the basis of the application of its own admission priorities and those of voluntary aided schools, free schools, academies and other LAs. It will determine in each case which is the highest parental ranking.
- ❖ Final lists of school allocations will be prepared.
- ❖ Emails to parents/carers will be prepared.
- ❖ Consideration will be given to qualifying late applications received before 8 March 2022.
- ❖ Discussions will take place with other admission authorities as necessary to resolve any remaining unallocated applications.
- ❖ Neighbouring LAs will be sent final details of children living in their area offered a place at a Brighton & Hove school, and for whom they will need to send allocation letters.

9. 19 April 2022

Online applicants will receive their decisions by e-mail. Letters will be sent only to parents/carers who do not have an email address. The LA email or letter to parents will contain the following:

- ❖ If they have not been allocated a school of preference, the reason why not.
- ❖ How places at the preferred schools were allocated.
- ❖ Where it is an own admission authority school, the fact that the offer is made on behalf of the governing body of the school.
- ❖ Where it is a school maintained by another LA, the fact that the offer is made on behalf of that LA.
- ❖ The right of appeal to an independent panel, and how to arrange an appeal for a community school or a voluntary aided school.
- ❖ Details about waiting lists for preferences that could not be met.

10. 23 May 2022

Parents and carers should accept offers of places by this date in order to allow schools and the LA ample planning time for the new intake. This does not affect their right to appeal if the place they are accepting is not their highest preference. Parents should have also exercised their right to appeal by this date if they want to be assured of having their appeal heard in the main round of appeals.

11. Proof of address

The LA may require parents/carers to provide proof of address if they are applying for a community school place. Own admission authority schools may also request proof of address from their applicants.

Appendix A – Changes of address and late applications

New arrivals in the city

Parents/carers moving into the City in the course of the admission process who are making an application on the basis of their new address must provide evidence of either a tenancy agreement of six months or more or an exchange of contracts if they are purchasing a property. Applicants should submit their application by the closing date if possible, especially if their move took place before the closing date, forwarding proof of the move at the earliest opportunity. If they provide the form and the evidence of the move by 8 March 2022 their application will be included in the main admission round.

Late applications received before the allocation date

- I. With the exception of families moving into the area and cases as described at V below, applications received after the closing date will not be considered by the LA until allocations have been made for those received before the closing date. Any received for an own admission authority school will be forwarded to the school. The school will decide whether or not there is a good reason to include these late applications in the main admission round, but will only consider them if they are received before **8 March 2022**.
- II. Any preference forms received for community schools in respect of children in care will be included in the main admission round as valid preference at any time up to **8 April 2022**. Where such applications are received after that date, the LA will, if attendance at that school is seen as a necessity for the welfare of the child, seek to offer places at the school ranked highest on the preference form. If, however, it is acceptable to offer a place at a lower ranked school without going over numbers, the LA will discuss that possibility with the social worker for the child. Applications to voluntary aided schools, free schools and academies received on behalf of children in public care will be considered in line with the published admission policy for each school and the requirements of the School Admission Code.
- III. Applications received after the closing date but before the 8 March 2022 will be sent a letter or email allocating a school place on 19 April 2022 or as soon as possible after that date if the volume of late applications is high. Applications received after this date will be sent an allocation letter or email as soon as possible after 19 April 2022.
- IV. Applications received after the closing date will be sent a letter allocating a school place as soon as possible after the main notification date of **19 April 2022**.
- V. Parents/carers living in the City who change any preference as a result of a change of address, and who return the new application by **8 March 2022** will have that change considered in the main round of allocations. They will have to provide evidence of their new address and will not have their changed application accepted without that evidence.
- VI. Other late applications where there is a good reason for this will be considered in the main round of allocations if received by **8 March**

2022 where independent evidence is given by a third party (usually a professional source such as a doctor or social worker) to support the reason for the delay.

Applications received after the allocation date

1. Where an application is received after the allocation date, from a parent/carer living in the City, they must use a Brighton & Hove preference form. If the preference(s) is for a community school, the LA will allocate a place if the school remains under subscribed. If the school(s) is fully subscribed, a place will be allocated at the nearest school to the home address that has a vacancy. Brighton & Hove will seek to make a decision as soon as possible after receiving the form. Where a preference is given for an own admission authority school or a school in a neighbouring LA, the form will be passed to that admission authority for a decision. They will be asked to reach a decision within fourteen days of receiving the form. Brighton & Hove will endeavour to send a decision to the parent /carer either as soon as possible once it has reached a decision, or has been informed of a decision by the other admission authority.

11. If a change of preference or preference order is received following the decision letter on **19 April 2022** and the home address has not changed, that changed preference will not be considered until July **2022**. This allows reasonable time for the consideration of late first applications and the operation of the waiting list where places have been offered and refused.

111. All applications received after the beginning of the autumn term 2022 will be regarded as outside this admission round. Nonetheless, the LA will act as the point of contact for all preferences from parents/carers living in the City. The LA will liaise with own admission authority schools over applications for admission to those schools, and will inform parents of their admission decisions, if necessary allocating an alternative school place. The LA online or paper preference form should be used in all cases. The same arrangements will apply to applications for admission to schools for year groups other than the normal Reception year. (See also co-ordinated scheme for in-year applications.) This ensures that the LA has a full record of pupil admissions, and supports both the schools and the LA in their responsibilities for pupil tracking and safety.

Waiting List

- I. Brighton & Hove will operate a waiting list system for its community schools. (Own admission authority schools make their own waiting list arrangements). The waiting list ranking will be based on the LA admission criteria. Rankings within each priority will be determined by home to school distance. All children will be automatically placed on the waiting list for the community school for which they have expressed a first preference, although parents will be given the option of also

asking to go on the waiting list for a different preferred school when places are allocated on **19 April 2022**. Places will be offered to children from the waiting list as soon as a place becomes available at an over subscribed school and the admission criteria have been applied. The waiting list will operate until the 31st December.

- II. Parents/carers wishing to keep their child's name on the list for longer than the 31st December they must inform the LA. They must renew the waiting list place each term thereafter.

School Admission Appeals

- I. Parents/carers wishing to appeal against the LA's decision not to offer a place at a preferred school should do so by **23 May 2022** if they want to be assured of having their appeal heard in the main appeal round.
- II. The LA will not arrange an appeal or ask a voluntary aided school to arrange an appeal for a school that was not included on the original application. It will only arrange an appeal for a school which was listed as a preference, as it will not have given a decision to the parent/carer for schools not included on the form. If a parent/carer wishes to receive a decision for a school not included in their original application, and thus acquire a right of appeal, they must complete a further application. However, unless there is a good reason for a change of preference this new form will not be considered until July **2022**.
- III. Parents/carers will receive 10 school days notice of the date of the appeal hearing, and will receive copies of any documentation relating to the appeal 7 days in advance of the hearing.
- IV. Appeals for on-time applications must be heard within 40 school days of the closing date for appeals to be lodged. The volume of appeals to be heard and the availability of the appeal panel members, who are volunteers, will have a direct affect on the timing of the appeal hearings.
- V. Appeals for late applications and school transfers outside the normal admission round will be arranged as soon as practicable after the decision to refuse a preference has been conveyed to the pupil and the parent/carer, and in any case within 30 school days.

BRIGHTON & HOVE CITY COUNCIL

Scheme for co-ordinated admissions to secondary schools – Admissions Year 2022/23 (Admissions to year 7 in September 2022)

Introduction

The main purpose of the co-ordinated scheme is to ensure that every parent of a child living in Brighton & Hove who has completed a school preference form receives one offer of a secondary school place at the conclusion of the normal admission round for pupils transferring from primary to secondary school. The scheme is designed to foster clear communications on school admissions between the City Council, community schools, Academies (for the purposes of this document Free Schools are included as Academies), Cardinal Newman School, which as a voluntary aided secondary school acts as its own admission authority, and neighbouring Local Authorities (LAs) and admission authorities. It fulfils the requirements of the School Admissions (Admission Arrangements and Co ordination of Admission Arrangements (England)) Regulations 2014 and more detailed arrangements set out in the School Admissions Code 2014.

The scheme does not affect the rights of the different admission authorities mentioned to set their own admission priorities, and consider applications on the basis of those priorities. It is intended to set out a process and time scale for the exchange of pupil information between the parties to the scheme, resulting in the offer of a single school place. This should represent a preference listed by the parent/carer that it is possible to meet following the application of the admission priorities by this LA or by other admission authorities. Where it is not possible to allocate a place at any of the preferred schools for a child living in Brighton & Hove, a place will be offered at the nearest school to their home address within the city boundaries with a place available. This will not preclude parents from seeking an alternative place elsewhere if they are unhappy with the offer, nor will it prevent them from lodging an appeal with the admission authority for their preferred school.

All residents of Brighton & Hove should apply using the City Council's common application form (online or paper) even if they are seeking a place at a maintained school in the area of another Council.

The time scales set out in the scheme work towards the prescribed date (1st March or the first working day following 1st March where it falls at a weekend) on which secondary school place decisions must be notified to parents/carers. It will also be broadly in line with the time scales used by neighbouring LAs.

Key dates

- Online application facility available 1 September 2021
- Distribution of admission leaflets by 12 September 2021
- Distribution of admission booklets on demand
- Closing date for applications 31 October 2021
- Preference data exchanged with Cardinal

- | | |
|--|--------------------------------|
| Newman School, King's School and neighbouring LAs | 20-27 November 2021 |
| • Cardinal Newman & King's School provide LA with provisional ranking order of applicants. | 17 December 2021 |
| • Consider qualifying late applications. | 22 January 2022 |
| • Finalise allocations and exchange offer details with Cardinal Newman, King's school and neighbouring LAs | Between 31 January- 7 Feb 2022 |
| • Notification e-mails sent to parents, decisions posted to applicants using paper forms | 1 March 2022 |
| • Deadline date for acceptance of places and appeals to be heard in the main round. | 1 April 2022 |

Process and detailed time scale

1. The school admissions leaflet published by the City Council will be distributed to parents via primary and junior schools at the beginning of September 2021.
2. Parents/carers will be invited to list 3 preferences for a school place ranked in order of priority. These may be at a City Community School, an Academy, a Free School or a voluntary aided secondary school, or any maintained school outside the City of Brighton & Hove. Those residents in the City must use the Brighton & Hove school admission preference form to indicate their preferred schools, either the paper or online form. No other form of application will be valid. The LA allocates places on the basis of equal preference, and each preference listed will be prioritised in accordance with the published admission priorities for community and own admission authority secondary schools in the City. If it is possible to offer more than one place on the basis of those priorities, the one ranked higher on the application will be offered.
3. Parents and carers are strongly advised to apply online through the facility available on the Brighton & Hove City Council website. This will provide them with a response which confirms their preference listing and acts as proof of application. Alternatively the paper form should be completed and returned to the child's primary or junior school in the City, or to the Admissions Team at Hove Town Hall **by 31 October 2021**. Applicants for Cardinal Newman and/or King's School will need to return their supporting information directly to the school as well as submitting an online application or paper form to the Council. If supporting information is returned to the Local Authority, the documents will be shared with the school.
4. Where as part of its admission priorities a voluntary aided school, free school or academy within the City or beyond requires additional supporting information, such as a Supplementary Information form, or proof of denominational commitment, that form or proof should be completed and returned by the same closing date. This is to ensure that target dates for the exchange of pupil information between authorities and the notification date for parents/carers can be met. Provided the LA common application

form has been completed and returned, that additional information may be given direct to the school, or handed in with the preference form. Parents/carers will be advised through the admissions booklet of Brighton & Hove or neighbouring LAs, or through school published parent information, of any such additional information requirements for own admission authority schools.

5. If using an application form rather than online application parents and carers whose children attend maintained primary schools in the City are strongly advised to return the form via the school. Parents who prefer to post the form should understand that proof of posting is not proof of receipt, and they will not have confirmation of receipt in the same way as those applying online or returning the form to their child's school. All maintained junior and primary schools in the city will return secondary preference forms they receive to the LA as they are received, with the final batch as soon as possible after the closing date. Schools should maintain a list to record the date on which each form was received, the school preferences, and if required will provide proof of receipt to the parent/carer. This ensures that on time applications and late applications are clearly recorded as such. It also provides assurance for parents should the school or the LA subsequently mislay the form.

No later than 27 November 2021.

- ❖ LA will identify the number of preferences (first, second or third) received for each school.
- ❖ Cardinal Newman School and King's School will be provided with details of any parental preference where it gives the school as a preference (first, second or third) received by the LA. It will apply its oversubscription criteria to prioritise all preferences. Where pupils have an Education Health & Care Plan naming the school and must be offered a place this will be indicated. (These pupils must be given a place at the school in accordance with the SEN and Admissions Codes of Practice.)
- ❖ West and East Sussex and other LA's as necessary will be forwarded the details of preferences expressed for their schools by Brighton & Hove parents/carers (first, second and third). Where the pupil has an Education, Health & Care Plan this will be indicated.
- ❖ West and East Sussex will be asked to provide a list of pupils living in those areas who have expressed a preference for a Brighton & Hove school (first, second or subsequent).

No later than 17 December 2021

- ❖ Cardinal Newman School and King's School will provide the LA with a list showing children in priority order for places at the school. The list will show which admission criterion was applied to each child. The school will advise the LA of such additional information as is necessary to inform parents of the reason for its decision when allocation letters and emails are sent on 1 March 2022.

- ❖ Brighton & Hove will apply its admission priorities to all preferences received for community schools, and where the children are resident in other LAs, will inform that LA.

Between 31 January and 7 February 2022

- ❖ Brighton & Hove will establish whether more than one offer could be made on the basis of the application of its own admission priorities and those of voluntary aided schools, free schools/Academies and other LAs. It will determine in each case which is the highest parental ranking.
- ❖ Final lists of school allocations will be prepared.
- ❖ Emails and letters to parents/carers will be prepared.
- ❖ Consideration will be given to late applications received before 22 January, as set out in Appendix A below.
- ❖ Neighbouring LAs will be sent final details of children living in their area offered a place at a Brighton & Hove school, and for whom they will need to send allocation letters.

1 March 2022

Online applicants will receive their decisions by e-mail. Letters will be sent only to parents/carers who do not have an email address. The LA email or letter to parents will contain the following:

- ❖ If they have not been allocated a school of preference, the reason why not.
- ❖ How places at all Brighton & Hove schools were allocated.
- ❖ Where it is an own admission authority school, the fact that the offer is made on behalf of the governing body of the school.
- ❖ Where it is a school maintained by another LA, the fact that the offer is made on behalf of that LA.
- ❖ The right of appeal to an independent panel, and how to arrange an appeal for a community school, a voluntary aided school, and in the case of schools in other LA's, who to contact.
- ❖ Details about waiting lists and reallocation pools for preferences that could not be met.

1 April 2022

Parents and carers should accept offers of places by this date in order to allow schools and the LA ample planning time for the new intake. This does not affect their right to appeal if the place they are accepting is not their highest preference. Parents should also have exercised their right to appeal by this date if they want to be assured of having their appeal heard in the main round of appeals.

Proof of address

The LA may require parents/carers to provide proof of address if they apply for a place at a community school. Own admission authority schools may also request proof of address from their applicants.

Appendix A – Changes of address and late applications

New arrivals in the city

Parents/carers moving into the City in the course of the admission process who are making an application on the basis of their new address must provide evidence of either a tenancy agreement of six months or more or an exchange of contracts if they are purchasing a property. Applicants should return their preference form by the closing date if possible, especially if their move took place before the closing date, forwarding proof of the move at the earliest opportunity. If they provide the form and the evidence of the move by 22 January 2022 their application will be included in the main admissions round.

Late applications received before the 22 January 2022.

- I. With the exception of families moving into the area and cases as described at V below, forms received after the closing date will not be considered by the LA until school allocations have been made for those received by the closing date. Any received for Cardinal Newman School and/or King's School will be forwarded to the school, which will decide whether or not to include the application in the main admission round.
- II. Any preference forms for community schools received in respect of children in care will be included in the main admission round as valid first preferences at any time up to the allocation date on **8 February 2022**. Where such applications are received after that date, the LA will, if attendance at that school is seen as a necessity for the welfare of the child, seek to offer places at the school of first preference, if necessary negotiating with that school to admit beyond the published admission number in order to do so. If, however, it is acceptable to offer a place at a lower ranked school without going over numbers, the LA will discuss that possibility with the social worker for the child. Applications for Cardinal Newman School, King's School or schools in other LA areas for children in care will be considered in line with the admission arrangements for those schools and the requirements of the Admissions Code.
- III. Applications received after the closing date but before the 22 January 2022 will be sent a letter or email allocating a school place on 1 March 2022 or as soon as possible after that date if the volume of late applications is high. Applications received after this date will be sent an allocation letter or email as soon as possible after 1 March 2022.
- IV. Parents/carers living in the City who change a preference as a result of a change of address within the city, and who return the new form and evidence of the address change will have that change considered in the main round of allocations if it is received by **22 January 2022**. They will have to provide evidence of the address change. Those applications received after that date will be considered as late applications.
- V. Other late applications where there is good reason for the delay will be considered in the main round of allocations if received by **22 January 2022** where independent evidence is given by a third party (usually a

professional source such a doctor or social worker) to support the reason for the delay.

Late applications received after the 22 January 2022.

- I. Where an application is received after the allocation date, from a parent/carer living in the City, they must use the Brighton & Hove online application service or paper preference form. If the preference(s) is for a community school, the LA will allocate a place if the school remains under subscribed. If the school(s) is fully subscribed, a place will be allocated at the nearest school to the home address that has a vacancy. Brighton & Hove will seek to make a decision as soon as possible after receiving the application. Where a preference is given for a free school, an Academy, Cardinal Newman School or a school in a neighbouring LA, the form will be passed to that admission authority for a decision. They will be asked to reach a decision within fourteen days of receiving the form. Brighton & Hove will endeavour to send a decision to the parent /carer as soon as possible once it has either reached a decision, or been informed of a decision by the other admission authority.
- II. If a change of preference or preference order is received following the decision letter on 1 March 2022 and the home address has not changed (and there has been no other relevant change of circumstances), that changed preference will not be considered until July 2022. This allows reasonable time for the consideration of late first applications and the operation of the reallocation pool where places have been offered and refused.
- III. All applications received after the beginning of the autumn term will be regarded as outside the admission round. Nonetheless, Brighton & Hove will act as the point of contact for all preferences for parents/carers living in the City, and will liaise with Cardinal Newman School, King's School, Brighton Aldridge Community Academy (BACA), Portslade Aldridge Community Academy (PACA) and other LAs over applications for admission to schools other than Brighton & Hove Community Schools. The Brighton & Hove online or paper form should be used in all cases by City residents and returned to the Brighton & Hove Admissions Team. The same arrangements will apply to applications for admission to schools for year groups other than the normal admission group in Year 7. Where the LA, Cardinal Newman School, King's School, BACA, PACA or another admission authority is not able to offer a place in accordance with a parental preference, the LA will offer a place at the nearest school to the home address of the applicant with a vacancy in the appropriate year group. This may be an Academy or a church VA school. Admissions to Years 12 and 13 in those schools that make such provision will be regarded as transfer admissions rather than admission at a normal point of entry. (The majority of such pupils will have attended the school from Year 7, or transferred to the school in Key Stage 3 or 4.) Should any other schools adopt Academy status, this paragraph will also apply to them.

Re-allocation Pool

- I. Brighton & Hove will operate a re-allocation pool system for its community schools, BACA and PACA. (Cardinal Newman School and King's School will operate their own waiting list/reallocation arrangements.) The ranking within this system will be based on the Brighton & Hove admission criteria. All children will be automatically placed in the re-allocation pool for all un-met first preferences for community schools. Parents/carers will be asked to indicate if they also wish to be placed in the re-allocation pool for a different preferred school when the allocation emails and letters are sent on 1 March 2022. Places will be offered to children from the pool as soon as a place becomes available at an over subscribed school and the admission priorities have been applied. This LA will notify other LAs as appropriate if it offers a place from the pool at a Brighton & Hove school to a pupil living outside the City. The pool will operate until the 31st December.
- II. Other admission authorities will operate a re-allocation or waiting list system. If they are able to place a child resident in Brighton & Hove in one of their schools they are asked to notify this LA at the earliest opportunity.
- III. Parents/carers wishing to keep their child's name in the reallocation pool beyond the 31st December must inform the LA. They must renew the position on the reallocation pool each term thereafter.

School Admission Appeals

- I. Parents/carers wishing to appeal against the LA's or a voluntary aided school's decision not to offer a place at a preferred school should do so in writing or using the online appeal facility by 1 April 2022 if they want to be assured of having their appeal heard in the main appeal round.
- II. The LA will not arrange an appeal, or ask an own admission authority school to arrange an appeal for a school that was not included on the original application. It will only arrange an appeal for a school that was listed as a preference, as it will not have given a decision to the parent/carer for schools not included on the form. If a parent/carer wishes to receive a decision for a school not included in their original preference, and thus acquire a right of appeal, they must complete a further application. However, unless there is a change of address or other change of circumstances leading to the change of preference this new form will not be considered until July 2022.
- III. Parents/carers will receive 10 school days notice of the date of the appeal hearing, and will receive copies of any documentation relating to the appeal 7 days in advance of the hearing.
- IV. Whilst the City Council, other LAs and the Governing Bodies of Academies and voluntary aided schools will make every effort to hear appeals within 40 school days of the deadline for submitting appeals, as suggested in the Appeals Code, they cannot guarantee this time scale. The volume of appeals to be heard and the availability of the appeal panel members, who are volunteers, will have a direct affect on the timing of the appeal hearings.

- V. Appeals for late applications and school transfers outside the normal admission round will be arranged as soon as practicable after the decision to refuse a preference has been conveyed to the parent/carer or if appropriate to the student, and in any case within 30 school days of the appeal being lodged.
- VI. Appeals will be heard for refusals to places in Years 12 and 13 on the basis that they are school transfers.

BRIGHTON & HOVE CITY COUNCIL

Scheme for co-ordinated admissions In Year allocations – Admissions Year 2021/22

Introduction

The requirement for In-Year co-ordination was abolished by the School Admissions Code 2012, however there is still a requirement for the Local Authority to retain a monitoring role in in-year allocation of school places. In view of this it is proposed to continue to retain in-year co-ordination between maintained schools in Brighton & Hove. The co-ordination referred to in this document will be offered to schools free of charge. However, it may be possible for own admission authority schools to purchase additional services should they wish to do so.

This scheme for in-year admissions will come into force from 1 September 2021.

Procedure

1. Parents may name up to three preferences on the Brighton & Hove application and all preferences expressed by parents will be treated equally. This means that each preference will be measured against the published oversubscription criteria only, without reference to the order stated by the parent. Only one school place will be offered, and this will be the highest possible preference expressed by the parent that can be agreed.
2. Where it is not possible to offer any of the named preferences, the applicant will be advised to remain at their current school if possible, or an alternative school place within Brighton & Hove will be offered. This will normally be the nearest school appropriate to the child's age and educational needs with a place available.
3. In order for parents to make a valid application for a maintained school place in Brighton & Hove, parents must complete a common application form provided by Brighton & Hove City Council. The Brighton & Hove application form is available online through the Brighton & Hove City Council website or as a download from the Brighton & Hove City Council website. The form is also available in hard copy for parents without internet access.
4. Schools where the governing body is the admission authority may require additional information in order to apply their oversubscription criteria and in the case of church voluntary aided schools will provide a supplementary information form to the parent. Where the parent fails to complete the supplementary form, the governing body will rank the application according to the information given on the application form only. Where the parent completes the supplementary form but fails to complete the application form, this will not constitute a valid application.
5. Completed supplementary information forms will be returned to the individual schools, and not the School Admissions Team.

Preferences for own admission authority schools.

1. Where the parent names an own admission authority school in Brighton & Hove (ie a Voluntary Aided school, a Free school or an Academy), the child's details, (i.e. name, address, date of birth and any supporting documents) will be sent to the governing body. They will rank the preferences according to their published admission criteria and confirm with the City Council, no later than **five school days** after receipt of the form, whether it would be possible to offer a place. Should any other schools become Academies before or during the 2021/22 academic year, this paragraph will also apply to them.

2 Any applications submitted by parents/carers to schools in error must be forwarded to the City Council admissions team.

3 Brighton & Hove admissions authority acting for BACA, PACA and City Academy Whitehawk will rank admissions priorities as these Academies are at the present time retaining the same arrangements as other Brighton & Hove Community Schools.

Notifying parents of the outcome of their applications.

1. The City Council will notify parents of the outcome of their applications. This is regardless of whether the City Council is the admission authority. This will be done by email or letter as appropriate, and will advise parents to contact the allocated school to arrange a mutually convenient start date.

2. Parents are expected to confirm acceptance of the offer of a school within fourteen days after the date of the offer.

Postdated Applications and changes of address

1. Parents who apply for a school place for a date which is more than half a school term in the future will be sent a holding letter explaining that their application will not be processed until the half term before the date the place is required. Their application will be considered along with any others which are outstanding at that point.

2. Parents who are moving into, or within, Brighton & Hove, may apply at any time during the moving process. However, their application will not be processed until the City Council has received proof of the new address (e.g. evidence of exchange of contracts or a copy of a signed tenancy agreement). This allows the Council to apply the appropriate priority for admission based on the new address.

Appeals

1. Parents will be informed of their statutory right of appeal when they receive the outcome of their applications. Parents can appeal for any preference expressed but not allocated, even if it was a lower preference than the one offered.

2. Appeal forms for Brighton & Hove schools will not automatically be sent with the notification letter, but are available on the council's website and hard copies are available on request.

Waiting lists

1. Waiting lists for all Brighton & Hove community schools will be held by the City Council, but schools where the governing body is the admission authority will maintain their own waiting lists and advise on the ranking of these lists in accordance with their published oversubscription criteria.
2. Following an application, if it is not possible to offer a place at a school of preference parents can request that their child's name is added to that school's waiting list (primary) or re-allocation pool (secondary). This applies regardless of the preference order.
3. All community school waiting lists or re-allocation pools will be cleared at the end of each term. Any parents wanting their child to remain on a waiting list or reallocation pool will need to contact the admission authority to request this on a termly basis.
3. There is no requirement to maintain waiting lists after the 31st December of the year of entry (ie Reception, year 3 or year 7). This being so, Brighton & Hove City Council will close re-allocation pools for **secondary** schools in year 11. Other admission authorities may continue to maintain waiting lists for this year group.

Date of Birth / school year	School yr in Sept 21	Grand Total all planning areas from 2020 data	pupils likely to want a school place based on 90% of GP reg data	Permanent places in Year R in 2021	Surplus places or shortfall of places	Comparison with 2019 data	
All planning Areas							
places in each school year from Sept 2021						Surplus places or shortfall of places based on 2019 data	Number of surplus places have risen fallen between 2019 and 2020
01 September 10 to 31 August 11	6	3,101	2,791				
01 September 11 to 31 August 12	5	3,083	2,775				
01 September 12 to 31 August 13	4	2,974	2,677				
01 September 13 to 31 August 14	3	2,983	2,685				
01 September 14 to 31 August 15	2	2,837	2,553				
01 September 15 to 31 August 16	1	2,830	2,547				
01 September 16 to 31 August 17	R	2,772	2,495	2,820	325	392	-67
01 September 17 to 31 August 18	2022	2,570	2,313	2,820	507	587	-80
01 September 18 to 31 August 19	2023	2,438	2,194	2,820	626	689	-63
01 September 19 to 31 August 20	2024	2,307	2,076	2,820	744		

Date of Birth / school year	School year in Sept 2021	Portslade	Central Hove	West Blatchington and North Hangleton	Central City	Patcham	City East	The Deans	City North
All planning Areas									
places in each school year from Sept 2021		300	690	120	630	150	450	270	210
		0	0	0	0	0	0	0	0
01 September 10 to 31 August 11	6	242	788	96	575	174	477	239	200
01 September 11 to 31 August 12	5	258	768	111	566	170	465	239	198
01 September 12 to 31 August 13	4	232	738	102	518	210	473	214	190
01 September 13 to 31 August 14	3	266	780	111	516	154	437	216	205
01 September 14 to 31 August 15	2	253	687	105	529	159	408	217	195
01 September 15 to 31 August 16	1	217	695	101	498	175	436	212	215
01 September 16 to 31 August 17	R	228	697	77	476	151	437	222	207
01 September 17 to 31 August 18	2022	221	621	93	480	150	416	163	169
01 September 18 to 31 August 19	2023	226	597	79	438	114	396	181	163
01 September 19 to 31 August 20	2024	185	564	74	430	113	404	143	162

Date of Birth / school year	School year in Sept 2021	BN41 1	BN41 2	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Comparison with 2019 data	
1 Portslade		St Peters Primary Benfield Primary St Marys Primary	Brackenbury Primary St Nicolas Primary Mile Oak Primary Peter Gladwin Pri	TOTALS			Surplus places or shortfall of places based on 2019 data	Number of surplus places have risen fallen between 2019 and 2020 by
places in each school year from Sept 2021		120	180	300				
01 September 10 to 31 August 11	6	81	188	269	242			
01 September 11 to 31 August 12	5	96	191	287	258			
01 September 12 to 31 August 13	4	73	185	258	232			
01 September 13 to 31 August 14	3	78	218	296	266			
01 September 14 to 31 August 15	2	85	196	281	253			
01 September 15 to 31 August 16	1	69	172	241	217			
01 September 16 to 31 August 17	R	70	183	253	228	72	74	-2
01 September 17 to 31 August 18	2022	80	166	246	221	79	84	-5
01 September 18 to 31 August 19	2023	76	175	251	226	74	65	9
01 September 19 to 31 August 20	2024	75	131	206	185	115		

Date of Birth / school year	School year in Sept 2021	BN3 1	BN3 2	BN3 3	BN3 4	BN3 5	BN3 6	BN3 7				Comparison with 2019 data	
2 Central Hove		Hove Juniors Holland Road Brunswick Primary		West Hove inf @ Connaught St Andrews Primary		West Hove Infant Hove Junior	Cottesmore Primary Bilingual Primary School	Aldrington Primay Goldstone Primary	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2019 data	Number of surplus places have risen fallen between 2019 and 2020 by
places in each school year from Sept 2021		120		150		120	150	150	690				
01 September 10 to 31 August 11	6	90	50	117	107	190	151	170	875	788	-98		
01 September 11 to 31 August 12	5	92	49	123	113	175	145	156	853	768	-78		
01 September 12 to 31 August 13	4	90	50	127	101	153	141	158	820	738	-48		
01 September 13 to 31 August 14	3	84	65	154	89	168	152	155	867	780	-90		
01 September 14 to 31 August 15	2	87	37	139	79	151	129	141	763	687	3		
01 September 15 to 31 August 16	1	106	47	115	68	162	132	142	772	695	-5		
01 September 16 to 31 August 17	R	83	49	162	88	150	103	139	774	697	-7	-20	13
01 September 17 to 31 August 18	2022	86	45	140	66	140	100	113	690	621	69	63	6
01 September 18 to 31 August 19	2023	76	59	136	70	145	92	85	663	597	93	85	8
01 September 19 to 31 August 20	2024	76	53	131	72	117	81	97	627	564	126		

Date of Birth / school year	School year in Sept 2021	BN3 8				Comparison with 2019 data	
3 West Blatchington and North Hangleton		Hangleton Primary West Blatch Prim	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2019 data	Number of surplus places have risen fallen between 2019 and 2020 by
places in each school year from Sept 2021		120	120				
01 September 10 to 31 August 11	6	107	107	96	24		
01 September 11 to 31 August 12	5	123	123	111	9		
01 September 12 to 31 August 13	4	113	113	102	18		
01 September 13 to 31 August 14	3	123	123	111	9		
01 September 14 to 31 August 15	2	117	117	105	15		
01 September 15 to 31 August 16	1	112	112	101	19		
01 September 16 to 31 August 17	R	85	85	77	44	76	-33
01 September 17 to 31 August 18	2022	103	103	93	27	62	-35
01 September 18 to 31 August 19	2023	88	88	79	41	80	-39
01 September 19 to 31 August 20	2024	82	82	74	46		

Date of Birth / school year	School year in Sept 2021	BN1 2	BN1 3	BN1 5	BN1 1	BN1 4	BN1 6	BN1 7				Comparison with 2019 data	
4 Central City			St Mary Mags Prim St Pauls Primary	Stanford Infant Stanford Junior Westdene Primary	Middle Street Primary	St Bartholomews	Downs Infant Downs Junior Balfour Primary St Bernadettes Pri	Hertford Infant Hertford Junior St Josephs Primary	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2019 data	Number of surplus places have risen fallen between 2019 and 2020 by
places in each school year from Sept 2021			60	150	30	30	270	90	630				
01 September 10 to 31 August 11	6	21	61	155	8	55	207	132	639	575	55		
01 September 11 to 31 August 12	5	25	78	127	7	60	219	113	629	566	64		
01 September 12 to 31 August 13	4	27	70	139	8	42	204	86	576	518	112		
01 September 13 to 31 August 14	3	37	64	119	≤5	57	202	94	573	516	114		
01 September 14 to 31 August 15	2	25	71	133	7	55	205	92	588	529	101		
01 September 15 to 31 August 16	1	28	90	98	15	57	172	93	553	498	132		
01 September 16 to 31 August 17	R	32	70	103	11	69	158	86	529	476	154	149	5
01 September 17 to 31 August 18	2022	29	85	105	8	44	163	99	533	480	150	162	-12
01 September 18 to 31 August 19	2023	30	84	77	13	69	143	71	487	438	192	190	2
01 September 19 to 31 August 20	2024	33	91	76	12	46	146	74	478	430	200		

Date of Birth / school year	School year in Sept 2021	BN1 8				Comparison with 2019 data	
5 Patcham		Patcham Infant Patcham Junior Carden Primary	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2019 data	Number of surplus places have risen fallen between 2019 and 2020 by
places in each school year from Sept 2021		150	150				
			0				
			0				
01 September 10 to 31 August 11	6	193	193	174	-24		
01 September 11 to 31 August 12	5	189	189	170	-20		
01 September 12 to 31 August 13	4	233	233	210	-60		
01 September 13 to 31 August 14	3	171	171	154	-4		
01 September 14 to 31 August 15	2	177	177	159	-9		
01 September 15 to 31 August 16	1	194	194	175	-25		
01 September 16 to 31 August 17	R	168	168	151	-1	6	-7
01 September 17 to 31 August 18	2022	167	167	150	-0	10	-10
01 September 18 to 31 August 19	2023	127	127	114	36	40	-4
01 September 19 to 31 August 20	2024	126	126	113	37		

Date of Birth / school year	School year in Sept 2021	BN2 0	BN2 1	BN2 2	BN2 3	BN2 5	BN2 9				Comparison with 2019 data	
6 City East		Queens Park Pri St John the Baptist Primary			Elm Grove Primary Fairlight Primary St Martins Primary	St Marks Primary City Academy Whitehawk	Carlton Hill Primary St Lukes Primary	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2019 data	Number of surplus places have risen fallen between 2019 and 2020 by
places in each school year from Sept 2021		90			150	90	120	450				
01 September 10 to 31 August 11	6	65	69	≤5	97	164	135	530	477	-27		
01 September 11 to 31 August 12	5	60	62	≤5	94	166	135	517	465	-15		
01 September 12 to 31 August 13	4	57	68	≤5	87	162	151	525	473	-23		
01 September 13 to 31 August 14	3	61	50	≤5	90	152	132	485	437	14		
01 September 14 to 31 August 15	2	49	51	≤5	75	148	130	453	408	42		
01 September 15 to 31 August 16	1	54	64	≤5	108	127	131	484	436	14		
01 September 16 to 31 August 17	R	63	62	≤5	97	129	135	486	437	13	19	-6
01 September 17 to 31 August 18	2022	47	53	≤5	82	139	141	462	416	34	31	3
01 September 18 to 31 August 19	2023	48	61	≤5	95	99	137	440	396	54	54	0
01 September 19 to 31 August 20	2024	41	67	≤5	78	132	131	449	404	46		

Date of Birth / school year	School year in Sept 2021	BN2 6	BN2 7	BN2 8				Comparison with 2019 data			
7 The Deans		Rudyard Kipling Pri Woodingdean Prim	Our Lady of Lourdes Pri St Margarets Pri	Saltdean Primary	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2019 data	Number of surplus places have risen fallen between 2019 and 2020 by		
places in each school year from Sept 2021		120	60	90	270						
01 September 10 to 31 August 11	6	129	35	102	266	239	31				
01 September 11 to 31 August 12	5	115	39	111	265	239	32				
01 September 12 to 31 August 13	4	116	35	87	238	214	56				
01 September 13 to 31 August 14	3	123	23	94	240	216	54				
01 September 14 to 31 August 15	2	115	31	95	241	217	53				
01 September 15 to 31 August 16	1	111	34	90	235	212	59				
01 September 16 to 31 August 17	R	128	36	83	247	222	48	42	6		
01 September 17 to 31 August 18	2022	99	20	62	181	163	107	108	-1		
01 September 18 to 31 August 19	2023	99	29	73	201	181	89	94	-5		
01 September 19 to 31 August 20	2024	83	21	55	159	143	127				

Date of Birth / school year	School year in Sept 2021	BN1 9	BN2 4				Comparison with 2019 data	
8 City North		Coldean Primary	Bevendean Primary Coombe Rd Primary Moulseccomb Prim	TOTALS	pupils likely to want a school place based on 90% of GP reg data	Surplus places or shortfall of places	Surplus places or shortfall of places based on 2019 data	Number of surplus places have risen fallen between 2019 and 2020 by
places in each school year from Sept 2021		60	150	210				
				0				
01 September 10 to 31 August 11	6	72	150	222	200	10		
01 September 11 to 31 August 12	5	62	158	220	198	12		
01 September 12 to 31 August 13	4	61	150	211	190	20		
01 September 13 to 31 August 14	3	67	161	228	205	5		
01 September 14 to 31 August 15	2	50	167	217	195	15		
01 September 15 to 31 August 16	1	62	177	239	215	-5		
01 September 16 to 31 August 17	R	60	170	230	207	3	16	-13
01 September 17 to 31 August 18	2022	59	129	188	169	41	38	3
01 September 18 to 31 August 19	2023	40	141	181	163	47	48	-1
01 September 19 to 31 August 20	2024	38	142	180	162	48		

Equality Impact and Outcome Assessment (EIA) Template - 2019

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

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

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

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

1. Equality Impact and Outcomes Assessment (EIA) Template

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

Title of EIA⁵	Consultation on Council's Admission Arrangements 2022/23	ID No.⁶ FCL19	
Team/Department⁷	Families, Children & Learning – Education & Skills		
Focus of EIA⁸	<p>Any proposed changes to the council's admission arrangements which includes reducing a school's Published Admission Number (PAN) is required to be consulted upon for a minimum of 6 weeks between October and 31st January approximately 18 months in advance of taking effect. Admission arrangements and each school's PAN for September 2022 have been consulted upon in October/November 2020 with the results of this consultation being presented to the Children Young People & Skills Committee in January 2021.</p> <p>The aim of the consultation process is to seek the views of adjoining neighbouring local authorities, schools' governing bodies, parents of children between the age of 2 and 18 and any other people who are interested in the admission arrangements.</p>		

Significant changes proposed in the consultation are to reduce the number of surplus school places in the city which would bring the percentage of spare capacity closer to or within the recommended range by the Department for Education of between 5 – 10%.

Pupil numbers in the city have been falling and are forecast to continue to fall over the next few years. Too many spare school places in the city will result in some schools not getting enough pupils attending. As schools are mostly funded on pupil numbers if schools don't have enough pupils attending, they may not be able to operate in a financially efficient way and risk entering a budget deficit. Ultimately a school, or schools, could be required to close. The law prohibits infant school classes larger than 30 pupils and if schools are required to operate small classes, they may not be able to afford to employ the required number of teachers.

However, through the consultation we have heard of some schools who are able to run their school with unfilled places and are not in financial difficulty. Therefore, careful consideration will need to be made when looking at proposals for individual schools.

The council's main aim with these proposals is to reduce the risk of a school or schools being required to close and an increase in schools with a budget deficit. Whilst ensuring that the council maintains the physical accommodation to help it cater with any future rise in pupil numbers.

In drawing up proposals the council considered the inclusion of 3 and 4 form entry schools for a reduction in PAN as larger schools can reduce their published admission number without a significant effect on their budget. It is worth noting though that a 4-form entry infant school has a total of 12 classes and a 4 form entry primary school has 28 classes.

Reducing these schools alone would not achieve the required number of school places nor would it be likely to be ultimately permissible when the appeal process for governing bodies was considered. Therefore, additional schools have been identified in areas where fewer children currently live and where children are drawn from a large geographical area. Anecdotally one form entry primary schools are at greater risk of having difficulty managing financially. However, there is a benefit to capping the pupil numbers to have one full class and one teacher in each year group rather than having the potential need to run two small classes if the number of pupils allocated is above 30 and then be required to employ two teachers.

We are aware that many parents have expressed a wish to provide their child with a specific type of education. Whether that be in a large school, infant school or in small classes. Whilst parents are not able to express an absolute choice for a school, there is a need to be assured that there are no equality implications in limiting the range of schools in an area. Parents can express three separate preferences for the place they would wish their child to attend. Ultimately the allocation of a place is

made in line with the council's published admission arrangements.

This Equalities Impact Assessment draws in part from responses to the consultation and is looking at the potential impact of the proposals to reduce the Published Admission Numbers of the schools mentioned in the committee report so as to inform decision making.

3. Review of information, equality analysis and potential actions

Groups to assess	What do you know ⁹ ? Summary of data about your service-users and/or staff	What do people tell you ¹⁰ ? Summary of service-user and/or staff feedback	What does this mean ¹¹ ? Impacts identified from data and feedback (actual and potential)	What can you do ¹² ? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age ¹³	<p>Changes will first affect parents of children born between 1/09/2017 and 31/08/2018 who are due to start school in September 2022.</p> <p>There are projected to be 2570 children in this age bracket, and it is estimated 2313 will require a mainstream school place.</p> <p>Goldstone, Moulsecoomb & West Blatchington Primary schools all have nursery classes attached and there can be strong links between these and the main school.</p> <p>Reducing the PAN for Downs Infant school and Stanford Infant School will inevitably mean consulting to reduce the</p>	<p>If proposed reduction takes place Moulsecoomb & West Blatchington will have more nursery places than places available in their reception class.</p> <p>A reduction in the PAN at Goldstone could discourage parents from applying for a nursery place at the school.</p>	<p>A disparity between nursery & reception places may discourage some parents from choosing the nursery and could impact on future viability of these classes.</p> <p>It is known that nursery classes can lead to a smoother transition to the Reception class and allow for less impact on the progress of learning.</p> <p>Nursery classes can benefit disadvantaged families where the availability and attendance provide good learning opportunities to those children and benefit those offered a place in the Reception class.</p> <p>Any proposed reduction</p>	<p>The council will need to consider how a change in PAN will impact on nursery provision at West Blatchington, Goldstone & Moulsecoomb Primary Schools because it could make this option less appealing to parents because their child may not be reasonably expected to receive a place at the school after attending the nursey provision.</p> <p>Consideration must be given to the impact on linked junior schools when considering the proposal to reduce infant school numbers.</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	linked junior school intake in 3 years' time.		in PAN for infant schools will also have an effect on the linked junior school.	
Disability¹⁴	<p>Children with Special Educational Needs and Disabilities (SEND) who have an Education, Health & Care Plan would be placed in school under the SEND code of Practice by the SEN team and normal admission arrangements and PANs would not apply. This includes being offered a place above the school's PAN if necessary.</p> <p>West Blatchington has an Autistic, Spectrum Condition (ASC) unit attached to the mainstream school. The number of places available in the unit would be unaffected by the reduction in PAN.</p>	<p>Many pupils with SEND attend mainstream schools. A reduction in pupil numbers will reduce the school's budget and consequently reduce the funding available that can be used to support pupils with additional needs.</p> <p>Schools spoke of the benefit of being able to offer a wider range of experiences for the school community with the inclusion of children with a broad range of needs. However, they cautioned about the potential negative impact that can occur when there is a higher proportion of children with additional needs in a class or in a school's community.</p> <p>Larger schools that</p>	<p>Parents with disabled children or have a disability themselves may not be able to travel a distance to take their child to a school place.</p> <p>Reducing to one class per year group at West Blatchington could have implications for pupils in the ASC unit not being able to benefit from the opportunities of being part of the mainstream class which is part of the school's working model.</p>	<p>There needs to be enough places within a reasonable distance of families including those families who have someone with a disability living with them.</p> <p>Ensure pupils with SEND are not adversely impacted by the reduction of PAN in any school. This will include considering if enough places are available in other schools in the city.</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
		<p>traditionally take higher numbers of SEND pupils will be less able to meet the needs of these children with a reduced number of classes and reduced budget.</p> <p>There can be 4 pupils in the ASC unit in each cohort at West Blatchington and it would be difficult to integrate these 4 pupils into one class of 30 particularly if there are also other pupils with additional needs already in class. This could potentially mean having up to 34 children in one class.</p> <p>General concerns were expressed that a school whose PAN was reduced would be negatively impacted by the narrowing of the 'catchment area' from where the school drew its pupils. The implication being that the</p>		

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
		range of pupils who were subsequently able to attend the school would be less wide and a detriment to the experience of the pupils attending the school.		
Gender reassignment¹⁵	n/a			
Pregnancy and maternity¹⁶		Parents who are pregnant or on maternity leave may find it difficult to get older children to school.	Reducing PAN at some schools may mean slightly longer travel times for some families.	
Race/ethnicity¹⁷ Including migrants, refugees and asylum seekers	The percentage of ethnic minority families with children attending schools across all planning areas varies from 33% in West Blatchington & North Hangleton planning area and Central Hove planning area down to 21% in the Portslade planning area. These percentages are relatively similar across the primary year groups however, in both West	Schools situated in areas of low ethnic minority families but that draw pupils from a wider geographical area are more likely to have a greater mix of pupils from different ethnic backgrounds.	In some allocation years a higher percentage of pupils from ethnic minorities apply late or are directed to a school that was not a preference, however the percentage of ethnic minority pupils who received a place at their first preference school is comparable with the percentage of all families receiving their first preference school in each of the 2018 and	Important to ensure that there are some surplus places in each planning area so there are local school places available for any late applicants and to accommodate pupils who can't secure a place at their preferred school due to the distance tie break. All schools are expected to deliver a rich curriculum suitable to all pupils who attend the

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>Blatchington & North Hangleton area and Portslade planning area the data available for pre-school pupils indicates an increased percentage for this cohort.</p> <p>There is no comprehensive data available for the cohort due to start school in September 2022.</p> <p>In 2019 allocation year 20% of all applications were from ethnic minority families and there is no ethnicity information for a further 27% of applicants. 30% of late applications were submitted by ethnic minority families and for a further 30% there is no ethnicity information. 90% of ethnic minority families who applied received their first preference school.</p>		<p>2019 cohorts.</p> <p>Both Downs and Balfour schools draw a high percentage of ethnic minority pupils living further from the school. If the PAN is reduced as proposed and these schools are oversubscribed, a higher percentage of pupils from ethnic minority families could be refused a place due to the distance tie break.</p>	<p>school. Schools are expected to celebrate the experiences of families in the city and from other areas. Therefore, the experiences of migrant and asylum seekers will be known and understood even if the school's community is less diverse.</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>In 2018 allocation year 26% of all applications were from ethnic minority families and there is no ethnicity information for a further 9% of applicants. 41% of late applications submitted were from ethnic minority families and for a further 13% there is no ethnicity information. 87% of ethnic minority families who applied received their first preference school.</p> <p>The percentage of ethnic minority KS1 pupils currently attending the schools indicates that if the PAN for the existing cohorts had been reduced as proposed, the percentage of Ethnic Minority pupils attending these schools would not generally be affected. The most significant difference would be seen</p>			

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	at Balfour Primary School where an average of 17% of the 90 closest pupils attending the school come from ethnic minority families compared to 32% of the remaining pupils who live further from the school and Downs Infant School where an average of 24% of the 90 closest pupils attending the school come from ethnic minority families compared to 35% of the remaining pupils who live further from the school.			
Religion or belief¹⁸	There are only Church of England and Catholic faith schools within the city. These schools can prioritise children of the faith above other children. A number of these schools do prioritise children of other faiths above children of no faith. None of the faith schools are proposing a reduction in	There is little information on this. Some parents will seek a secular education for their child whilst others will want their children taught in line with their religious belief. Parents expressed concerns where they felt that the opportunity for a secular education would not be possible. Benfield	All schools identified for a reduction in PAN are community schools and this could potentially have a disproportionate impact on pupils with no faith.	Faith schools in the city are responsible for their own admission arrangements and the council cannot consult on changes to their PAN. The council will need to ensure that where PAN's are reduced there are sufficient secular school places for the number of pupils in these areas.

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>PAN for September 2022.</p> <p>24% of first preference applications for September 2020 were for church aided schools and 76% expressed a first preference for secular schools.</p>	<p>Primary school is the only secular 2 form entry school in south Portslade. Parents at Stanford Infant school were concerned that the only other viable options in proximity to the school were schools with a faith designation.</p>		
Sex/Gender¹⁹	<p>There are no single sex, maintained schools in the city. Admission arrangements do not take into consideration the gender of the child.</p>			
Sexual orientation²⁰	<p>Admission arrangements do not take into consideration the sexual orientation of the child or parents.</p>	<p>This can have implications about whether parents apply for faith schools or secular schools.</p> <p>Some parents expressed concerns that they would not be able to obtain a place in a school that supported their own family dynamic such as same sex parents and the sexual orientation of their child.</p>	<p>All schools identified for a reduction in PAN are community schools and this could potentially have a disproportionate impact on pupils not wanting to attend a faith school.</p> <p>Some parents expressed a concern that the proposals to reduce the PAN of various schools will limit their opportunity</p>	<p>The council will need to ensure that where PAN's are reduced there are sufficient secular school places for the number of pupils in these areas.</p> <p>Schools are expected to celebrate the experiences of families in the city and from other areas. Therefore, the experiences of bisexual, gay and lesbian people</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			to attend a school that they see as being supportive of them or their child's sexual orientation.	will be known and understood even if the school's community is less diverse.
Marriage and civil partnership²¹	n/a			
Community Cohesion²²	Reducing the PAN at popular oversubscribed schools would potentially reduce the distance from which the school is available due to home to school distance being the deciding tie break. The list of schools identified are central to various different communities in the city. Some are situated in communities with a higher level of deprivation than others. 2015 indices of multiple deprivation identify Local Super Output Areas (LSOAs) in West Blatchington & North Hangleton and City East	House prices surrounding popular schools can be inflated, due to increased demand on accommodation close to popular schools. Schools that are situated in areas not indicated as particularly deprived but are close to areas of higher deprivation. Reducing the PAN at these schools would reduce the cut off distance with the consequence that pupils living further away in areas of greater deprivation may not be able to get a place at the schools.	Can have an implication on the pupils offered a place at these schools as families who cannot afford to move close to oversubscribed schools are unable to obtain a place there. A reduced intake of pupils being able to attend schools from more deprived areas can affect the comprehensive nature of the school's population. Reducing the PAN for schools such as Downs and Brunswick which historically draw pupils from greater distances	Consideration of admission arrangements and tie break to remove advantage to families who are in the financial position to move close to popular schools in order to increase chance of obtaining a place. Responses to this consultation need to be considered based on the content not just quantity of replies as some areas in the city due to the nature of the community will provide significantly more replies and in a variety of ways. Take consideration of the

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>planning areas as some of the most deprived in the city and LSOAs in central city as least deprived.</p> <p>Analysis of KS1 pupils from Jan 20 school census shows that the pupils living furthest from Downs, Brunswick and Benfield and attending these schools contain a higher percentage of pupils eligible for free school meals (which is an indication of deprivation) compared to the pupils living closer to the school.</p>	<p>This narrowing of those families able to attend the school will jeopardise the comprehensive/community feel of the school and this was expressed strongly by those who attended the Goldstone Primary school consultation. A recognised strength of the school from those who contributed was the strong community feel of the school.</p> <p>Parents from some socio-economic groups are better able to lobby and to instigate a cohesive community response to the proposals that may disproportionately influence the decision making about which schools will have their PAN reduced.</p>	<p>and admit close to the existing PAN could have a disproportionate effect on the ability of pupils eligible for free school meals able to obtain a place at these schools.</p> <p>There could be an increase in pupils living in deprived areas who are unable to attend a school of preference which is further away who will consequently attend their local school which increases the proportion of children eligible for free school meals at the schools. Pupil's attainment is improved if the school has either a high proportion or a low proportion of children eligible for free school meals so this could either have a positive or negative affect on these pupils depending on the proportion of these pupils</p>	<p>impact of any change in PAN may have on a school in relation to the composition of pupil cohorts and their families to promote a comprehensive education offer.</p> <p>Ensure that there are sufficient school places in all areas of the city so that pupils unable to secure a place at the school of choice have the opportunity to attend a local school.</p> <p>Consideration of the potential impact on schools due to change in free school meals eligible children attending schools particularly in more deprived areas of the city.</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			at the school.	
Families with English as additional language	<p>The percentage of pupils with English as an additional language varies across the planning areas from 21% of the primary school cohort in West Blatchington & North Hangleton to 10% in Portslade planning areas.</p> <p>The percentage of KS1 pupils with English as an additional language currently attending the identified schools indicates that if the PAN for the existing cohorts had been reduced as proposed, the percentage of pupils with English as an additional language attending these schools would not significantly be affected.</p>	<p>It is reported that many families with English as an additional language were not able to fully participate in the consultation, despite the engagement with the Ethnic Minority Achievement Service and other groups.</p> <p>Parents were able to request support to complete the consultation response form.</p> <p>The changing housing situation of many of these families means that families can't predict whether they will be affected by the potential changes to school PANs in 2022.</p> <p>For some families, the unpredictability of the housing situation is their</p>	<p>Families with pupils who have English as an additional language are proportionally more likely to apply late which significantly reduces their change of being offered a place at an oversubscribed school.</p> <p>The higher number of families with English as an additional language applying late could be contributed to several factors such as these families moving into the city outside the cut off dates for the main admission rounds. This could be due to these families are not being aware of when to apply for school places as they are less likely to understand the promotional information</p>	<p>Important to ensure that there are still surplus places in each planning area so late applicants and pupils moving mid-year can be offered a place at a local school. This is particularly important for schools in areas with a high proportion of these pupils such as in the West Blatchington/North Hangleton planning area.</p> <p>Continue to work with EMAS to increase engagement with the admissions process for families with English as an additional language.</p>

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
		<p>main concern and maybe school places are only a secondary importance.</p> <p>Families may also consider admission arrangements to be an unusual concept and one that they are unfamiliar with from their past experiences.</p>	<p>distributed for parents.</p> <p>Reducing the PAN for schools that have filled close to PAN in the past from pupils living further from the school would not unduly affect the percentage of pupils attending these schools who have English as an additional language.</p>	
Cumulative impact²³				
Assessment of overall impacts and any further recommendations²⁴				
<p>Reducing the number of surplus school places is necessary to safeguard the whole family of schools in the city and to protect schools from financial difficulties as pupil numbers reduce. Without a reduction in school places there is the real possibility that some schools become unable to operate due to low pupil numbers and are forced to close.</p> <p>In order to avoid schools closing and to ensure that there are sufficient school places in future when pupil numbers again increase, reducing the PAN for a number of schools is necessary for the benefit of all schools in the city. Reducing the number of places at oversubscribed schools will inevitably mean that some pupils who want to attend these schools will be refused a place. A higher percentage of late applications are for children from ethnic minorities and children with English as an additional language although the numbers are small. Late applications for oversubscribed schools are less likely to be offered a place.</p>				

Groups to assess	What do you know⁹? Summary of data about your service-users and/or staff	What do people tell you¹⁰? Summary of service-user and/or staff feedback	What does this mean¹¹? Impacts identified from data and feedback (actual and potential)	What can you do¹²? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
<p>To minimise the impact on these families of applying late more needs to be done to reach these families when reminding parents to apply for their child's school place.</p> <p>In considering the proposals it is important for the council to ensure that there are sufficient school places in all areas of the city for all pupils to attend a local school. The consultation brought forward a range of concerns about the impact of the proposals including the impact on the range of pupils and families able to attend the school and therefore the reflection of the city's demographic in the school community. There were concerns that certain groups would not be able to achieve the realisation of their preferred place especially when they lived further away from the school.</p>				

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

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
Admissions consultation sought views through the council’s consultation portal and themes identified in series of virtual public meetings. Email and letter responses to the consultation also used to inform assessment.	5/10/20-27/11/20	Equalities monitoring questions in the consultation portal only completed by 13% of respondents.	
Feedback from EMAS Home, School Liaison workers	5/10/20-27/11/20		

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5. Prioritised Action Plan²⁵

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
Parents with disabled children or have a disability themselves may not be able to travel a distance to take their child to a school place	There needs to be sufficient places within a reasonable distance of families including those families who have someone with a disability living with them.	All families able to access a school within a reasonable distance	All families able to access a school within a reasonable distance	For September 2022
In some allocation years a higher percentage of pupils from ethnic minorities apply late or are directed to a school that was not a preference.	Important to ensure that there are some surplus places in each planning area so there are local school places available for any late applicants and to accommodate pupils who can't secure a place at their preferred school due to the distance tie break. Continue to work with EMAS to increase engagement with the admissions process for ethnic minority families.	Reduce any disadvantage for this group when applying for school places.	Increase in percentage of these pupils receiving a school of preference.	For September 2022
All schools identified for a reduction in PAN are community schools	The council will need to ensure that where PAN's are reduced	Sufficient secular school places for all families wanting this	Pupils are not directed to a voluntary aided school when this is not	For September 2022

and this could potentially have a disproportionate impact on pupils with no faith.	there are sufficient secular school places for the number of pupils in these areas.	type of education.	a preference.	
Some parents expressed a concern that the proposals to reduce the PAN of various schools will limit their opportunity to attend a school that they see as being supportive of them or their child's sexual orientation.	Schools are expected to celebrate the experiences of families in the city and from other areas. Therefore, the experiences of bisexual, gay and lesbian people will be known and understood even if the school's community is less diverse.	That parents don't feel limited in their range of school preferences due to concerns relating to them or their child's sexual orientation.	Not indicated by parents as a problem in the future.	For September 2022
Reducing the PAN for schools such as Downs and Brunswick which historically draw pupils from greater distances and admit close to the existing PAN could have a disproportionate effect on the ability of pupils eligible for free school meals able to obtain a place at these schools.	Ensure that there are sufficient school places in all areas of the city so that pupils unable to secure a place at the school of choice have the opportunity to attend a local school. Consideration of the potential impact on schools due to change in free school meals eligible children attending schools particularly in more deprived areas of the city.	That pupils are not forced to travel long distances to school.	That no pupils are forced to travel long distances to school.	For September 2022
Both Downs and Balfour schools draw a high percentage of	Important to ensure that there are some surplus places in each	That all pupils are able to attend a local school place.	That no pupils are forced to travel long distances to school.	For September 2022

<p>ethnic minority pupils living further from the school. If the PAN is reduced as proposed and these schools are oversubscribed, a higher percentage of pupils from ethnic minority families could be refused a place due to the distance tie break.</p>	<p>planning area so there are local school places available to accommodate pupils who can't secure a place at their preferred school due to the distance tie break.</p>			
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EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Staff member completing Equality Impact Assessment:

Saul Johnson

Date: 18.12.20

Directorate Management Team rep or Head of Service/Commissioning:

Richard Barker

Date: 21.12.20

CCG or BHCC Equality lead:

Date:

Guidance end-notes

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

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

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

² Our duties in the Equality Act 2010

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

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

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

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

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected within the context

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

⁴ **When to complete an EIA:**

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

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

Do you need to complete an EIA? Consider:

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

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

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

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

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

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

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

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

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

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

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

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

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

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

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

¹³ **Age:** People of all ages

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

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

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

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

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

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

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

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

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

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

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

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

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

Ofsted update 4 December 2020

Schools inspected since last committee 2020

School	Date of Inspection	OE Grade	Previous grade
Ofsted Inspections			

Snapshot from October 2020

	% of schools judged to be Good & Outstanding	National % schools judged to be Good & Outstanding	% Pupils in a Good or Outstanding School	% of schools judged to be Outstanding	National % Schools judged to be Outstanding
Primary	88.5	87.8	89.1	11.5	16.6
Secondary	100	76.4	100	0	20.5
Special	66.7	90.4	89.5	66.7	38.4
Colleges	100	-	-	-	-
PRUs	100	85.0	100	0	18.6
All Schools (not colleges)	89.7	86.3	93.5	14.7	19.0

National figures as at end of October 2020 Ofsted Monthly Management data ²

Overview of School Ofsted Outcomes

As at end July	Outstanding	Good	Requires improvement	Inadequate
Brighton & Hove: % Schools	14.7%	75%	8.8%	1.5%
Brighton & Hove: Number of schools	10	51	6	1
National : % schools	19.0%	67.3%	10.1%	3.6%

The pupil referral units are now one establishment: The Central Hub Brighton

Ofsted Interim visits

During the Autumn Term Ofsted completed interim visits. These are now finished:

Further information re Ofsted Interim Visits can be found at [Ofsted Vimeo](#) and the [Ofsted page on interim visits](#)

Ofsted state:

“These interim visits are to reassure and inform parents, government and the public about how schools are managing the return to full education for all pupils.

Interim visits will help parents and the public to understand how individual schools are returning to the school’s normal curriculum. We will not be evaluating what leaders did during the spring and summer term 2020, when schools were not open to all pupils, but we may need to understand the broad context of its impact on the school.

The lead Her Majesty’s Inspector (HMI) will write a short letter after each interim visit. The letter will summarise briefly the discussions inspectors had with leaders. This is to provide parents with information about what leaders are doing to help pupils back into full-time education. Letters will not provide any evaluation or graded judgement. They will be published on our [reports website](#). We will also use our findings from the visits to report to the Secretary of State and the public on the picture across schools in England.”

The following schools received a visit:

- 9th December 2020 – St Bartholomew’s CE Primary School – to be published
- 1st December 2020 – Hertford Infant School – to be published
- 20th October 2020 – Moulsecoomb Primary School [50156735 \(ofsted.gov.uk\)](#)
- 1st October 2020 - St Joseph’s Catholic Primary School [50155769 \(ofsted.gov.uk\)](#)

Ofsted Visits from Jan 2021

<https://www.gov.uk/guidance/january-2021-maintained-schools-and-academies#how-we-will-select-schools>

Some schools will receive monitoring visits in the Spring Term. Note a monitoring visit does not change the grading of a school.

These will take place for schools:

- that were judged as requires improvement at (at least) their last 2 consecutive section 5 inspections;
- judged as inadequate, including those subject to a live directive academy order;
- ofsted also say they “may also carry out some monitoring inspections of other schools judged as requires improvement, at regional directors’ discretion and based on our risk assessment.”

Overview of Early Years Ofsted inspections

- 98% of childcare providers on the Early Years Register in Brighton & Hove were judged good or outstanding. This is above the figure of 96% in England (August 2020). This is above the figure of 96% in England.
- A high percentage of settings are judged as outstanding in Brighton & Hove, above national and local outcomes:
 - 26% (B&H), 21% (SE) and 19% (England).
- One interim Ofsted visit has taken place at The Nest Nursery School, currently graded Requires Improvement. Ofsted report that all identified actions from the previous report have been met. The visit took place on 12.10.20.
- Ofsted Assurance inspections will be carried out from the start of the spring term. Routine graded inspections will resume in the summer term of 2021. Under the new arrangements, all early years providers will be inspected in a 6-year window from the date of their last inspection.

EY Ofsted inspections since last committee

Setting	Inspection date	Latest grade for overall effectiveness	Previous grade

Subject:	Families, Children and Learning Fees and Charges 2021/22		
Date of Meeting:	11 January 2021		
Report of:	Executive Director Families, Children and Learning		
Contact Officer:	Name:	Louise Hoten / Caroline Parker	Tel: 29-3440 / 3587
	Email:	louise.hoten@brighton-hove.gov.uk caroline.parker@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT:**

- 1.1 The purpose of the report is to review the Families, Children and Learning Services fees and charges in accordance with the corporate policy.

2. RECOMMENDATIONS:

- 2.1 That the position on fees charged for nurseries as detailed in section 3.3 be agreed.
- 2.2 That the position on fees and charges for Childcare Workforce Development as detailed in section 3.4 be agreed.
- 2.3 That the position on fees and charges for the Early Years Quality Improvement Programme as detailed in section 3.4.7 be agreed.
- 2.4 That the position on the charges for school meals as detailed in section 3.5 be noted.

Note: If the above recommendations are not agreed, or if the committee wishes to amend the recommendations, then the item will need to be referred to the Policy and Resources Committee meeting on 11 February 2021 to be considered as part of the overall budget proposals. This is because the budget is being developed on the assumption that the fees and charges are agreed as recommended and any failure to agree, or a proposal to agree different fees and charges, will have an impact on the overall budget, which means it will normally need to be dealt with by Policy and Resources Committee as per the requirements of the constitution. This does not prohibit the service committee from making alternative recommendations to Policy and Resources Committee.

3. CONTEXT/ BACKGROUND INFORMATION:

3.1 As part of the budget setting process Heads of Service are required to agree any changes to fees and charges through relevant Committee Meetings. The management of fees and charges is fundamental both to the financial performance of the City Council and the achievement of the Council's corporate priorities. The recommendations agreed by this Committee will be subject to whatever is agreed regarding fees and charges in the budget report presented to Policy and Resources Committee on 11 February 2021 and then by Budget Council on 25 February 2021.

3.2 The council's Corporate Fees and Charges Policy requires that all fees and charges are reviewed at least annually and should normally be increased by either the corporate rate of inflation 1% or actual increases in the costs of providing the service. The corporate rate of inflation is applied to ensure that income is maintained in proportion to expenditure where annual inflationary cost pressures are experienced. The council's Standard Financial Procedures state that service committees shall receive a report from Executive Directors on proposed fees and charges variations above or below the corporately applied rate of inflation.

3.3 Nurseries

3.3.1 Part of the council's early year's strategy is to provide high quality childcare in the most disadvantaged areas to ensure local children can access provision. Council run full day care nurseries are:

- Acorn Nursery – North Portslade Children's Centre
- Bright Start Nursery – Old Slipper Baths (North Laines)
- Cherry Tree Nursery – Hollingdean Children's Centre
- Jump Start – Moulsecoomb Children's Centre
- Roundabout Nursery – Roundabout Children's Centre (Whitehawk)

There is also one sessional pre-school: Pavilion Pre-school – North Portslade

The Council also subsidises Turnerland Nursery School to provide full day care in addition to free early education places.

3.3.2 The nurseries provide free part-time early education places for low income two-year olds and three- and four-year olds and childcare that parents pay for. All the nurseries are based in buildings owned by the Council.

3.3.3 The Council subsidy for the nurseries in 2020/21 was £605,300. The highest subsidies are for the nurseries in Whitehawk and Moulsecoomb where most children just take up their free childcare places and there are the highest number of funded two-year olds. There are also more children with child protection plans and special educational needs and disabilities who need higher staff ratios.

Funding for free childcare places for 2, 3- and 4-year olds

3.3.4 Disadvantaged two-year olds are entitled to 570 hours a year free childcare from the term after their second birthday and a key priority is to ensure there are sufficient high-quality places for these children. Brighton and Hove is funded at an

hourly rate of £5.28 per hour. This is the lowest rate in the south east and is significantly below the national average of £5.55. The highest in the south east is £5.96 and the average is £5.64. The Government has announced an 8p (1.5%) increase for 2021/22 which will increase the rate to £5.36.

- 3.3.6 All three- and four-year olds are entitled to 570 hours (15 hours a week, term time only) of free childcare. Funding is allocated by Government on a national formula. The rate for Brighton and Hove is £4.53 per hour which is significantly below the national average of £4.94. The lowest rate in the south east is £4.38, the average is £4.88 and the highest is £5.87. These figures refer to the total rate paid to the local authority and include inclusion funding and central costs. The council is passing on 95% of its funding allocation to childcare providers, with an average hourly rate of £4.36, including additional support funding. This is less than the average fee that parents pay for childcare.
- 3.3.7 The Government has increased the national funding rate for three- and four-year olds by 6p. This is an increase of 1.3% from £4.53 to £4.59 for the total rate.
- 3.3.8 The Council has repeatedly raised, with the Government, the issue of the low rate of early years funding for the city both through the city's MPs and directly with Ministers. Unfortunately, the level of funding we receive compared to other areas has not increased.

Nursery Fees

3.3.9 The existing fee policy for the Council nurseries is:

- £5.68 for all ages of children (£5.60 for children attending Pavilion as the pre-school is based in a sports pavilion, sharing space with a football team. Typically, sessional providers in shared buildings charge a lower rate).
- £2.50 for lunches and teas. Breakfast and snacks are included in the hourly rate. Parents can choose to bring a packed lunch

3.3.10 The proposal is to increase fees by 2%. This is above the standard rate of inflation of 1% because most of the nursery costs are staffing, and there will be staff cost increases in 2021/22 for staff paid at NJC scale 5 or below. The proposals are to:

- Increase the standard hourly rate of £5.68 for all ages of children to £5.80. (£5.70 for children attending Pavilion). This is a 2% increase.
- Increase the cost of meals by 3p to £2.53 per meal for lunch or tea to increase fees by the inflation rate of 1%.

3.3.11 Coram Children and Family publish an annual childcare cost survey. The 2020 Survey included average costs for 25 and 50 hours of childcare for children under two, two-year olds and three- and four-year olds. The amounts for the south east for children attending 25 hours a week were:

	25 hours	Hourly rate
Children under two	£144.90	£5.80
Two-year olds	£136.12	£5.44
Three- and four-year olds (based on 10 hours in addition to 15 hours free childcare)	£53.35	£5.33

3.3.12 There is a range of help from the Government for parents with childcare costs in addition to the free early year's entitlement of 15 or 30 hours. Parents on Universal Credit can claim up to 85% of childcare costs and parents on higher incomes can apply for Tax Free Childcare which will pay 20% of their childcare costs (see paragraph 5.3.1). However, parents report that they have concerns about the high cost of childcare in the city.

3.4 Childcare Workforce Development

3.4.1 It is proposed that charges for early years and childcare providers for childcare training should increase by 1%, rounded to the nearest pound

- £121 for paediatric first aid training
- £63 for full day training (£101 for providers based outside Brighton & Hove)
- £42 for half day training (£71 providers outside Brighton & Hove)
- £20 for safeguarding courses (£101 providers outside Brighton & Hove)
- £71 for a job vacancy advert (£121 providers outside Brighton & Hove)
- £141 for jobs plus service (£242 providers outside Brighton & Hove), which includes assistance with shortlisting and interviewing

3.4.2 The increase in charges is being kept to a minimum, because of the limited ability of early years providers to pay for training.

3.4.3 A fall in applications as a result of a price increase could reduce applications and have a negative impact on income generation.

3.4.4. Ofsted data shows that childcare providers in the city are high quality compared with the sector nationally and locally. This can partly be attributed to our offer of a high-quality training programme and we want early years providers to continue to access this.

3.4.5 The national increase in funding for three- and four-year olds for 2021/22 is 1.3%. Costs for providers continue to rise and income from parental fees may be lower because of coronavirus. We do not yet know the full impact of coronavirus on the sustainability of early years providers.

3.4.6 Benchmarking with other local authorities is difficult because pricing is not easily available and is not consistent. In addition, some local authorities include training with a subscription for other services. However, it is estimated that Brighton & Hove's charges are mid-range compared with others in the south of England.

Early Years Quality Improvement

3.4.7 Last year a charge of £150 per module for completing the Quilt quality improvement programme was introduced for providers with low numbers of disadvantaged children. Because of coronavirus, financial difficulties and lockdown early years providers did not take up this offer. It is proposed to focus resources on supporting providers with the largest numbers of disadvantaged children. This is to ensure high quality provision in the city to help close the gap between disadvantaged children and their peers – a gap which is likely to have increased because of lack of early years provision during lockdown. The charge will remain for other providers in case there is more capacity later in the year.

3.5 School Meals

3.5.1 The cost of school meals to the local authority (schools) is inflated annually in accordance with the price review mechanism detailed in the school meals contract as detailed below. The current contract started on 1 August 2018 for a period of 4 years with an opportunity to extend up to 24 months. As a fully delegated service, schools may choose to buy into the contract or make their own school meals arrangements. All secondary schools and secondary academies within the city and the Bilingual Primary School and City Academy Whitehawk provide meals, including free meals to entitled pupils, through their own individually negotiated contracts.

3.5.2 The current charge for school meals in primary schools has remained at £2.20, last increased in April 2018; the new contract requires the payment of the Living Wage (Living Wage Foundation) to employees. Any decision to increase the selling price to parents will be made in June 2021 for implementation from 1st August 2021, and will be based on the April 2021 indices detailed below:

The meal price will be varied in line with the following two indices:

a) Food element

Annual movement in the Retail Price Index (all items) as published by the Office for National Statistics. (Food CHBA)

b) Labour element

The labour element will increase based on the percentage (%) annual movement as agreed by the Living Wage Commission for the UK Living Wage (outside of London).

c) Management Fee

The Management fee price will vary in line with the annual movement in the Consumer Price Index (all items) published by the Office for National Statistics.

As this is built into the contract terms and conditions, approval by the Children Young People & Skills Committee would only be sought if an increase exceeding inflation was being proposed.

3.5.3 Under the current contractual arrangement there continues to be a low fixed cost in the form of a management fee and a higher variable cost for each meal served, this ensures that the contractor should be more inclined to increase sales as we have seen with the previous contract. This budget area is now operated in a way that the need to fulfil a shortfall would be most unlikely and this is being demonstrated

through the current contract performance and the continued support of central government grant funded Universal Infant Free School Meals (UIFSM). There are strong incentives for the contractor to grow the service and these are supported by successful partnership working with the Council. The increased cost of free school meals has not been passed onto schools for the financial year 2020/2021, this will be mitigated through the provision, by the DFE, of the free school meals supplementary grant.

4 COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Budget holders with responsibility for specific fees and charges were consulted in the preparation of this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The total Families, Children and Learning fees and charges budget for 2020/21 is approximately £2.6m excluding schools.

The fees and charges recommended in this report have been reviewed in line with the Corporate Fees & Charges Policy and all relevant regulations and legislation. The anticipated recurring financial impacts of fee changes will be reflected within service revenue budgets. Increases to meet the corporate rate of inflation of 1% are normally applied to all council income budgets to ensure income is maintained as a proportion of the net cost of service. Increases above or below the corporate rate of inflation require approval by the relevant service committee or Policy & Resources Committee and can result in additional contributions toward the cost of services and/or corporate and service overheads. This can also result in the achievement of a net budget saving to the council. Where this is the case, this will be reflected in 3-Year Budget Plan proposals for the relevant service and will be incorporated within the revenue budget report to Policy & Resources Committee and Budget Council in February 2021. Income from fees and charges is monitored as part of the Targeted Budget Monitoring (TBM) process.

Finance Officer Consulted: Louise Hoten

Date: 27/11/2020

Legal Implications:

- 5.2 Families, Children and Learning Services are entitled to review fees and charges as set out in the report. At the time fees and charges are set they must be demonstrably fair and reasonable in all the circumstances. The report indicates the analysis against which the recommendations have been made and the obligations of the council in relation to the funding of free nursery places.

Lawyer Consulted: Serena Kynaston

Date: 25/11/2020

Equalities Implications:

- 5.3 Equal access to childcare is encouraged by ensuring that the nurseries all offer the universal free early years entitlement of 15 hours a week for all 3- and 4-year olds

and eligible two-year olds. The entitlement for 3- and 4-year olds with working parents is 30 hours (term time only).

5.3.1 Two-year olds from low income working families are eligible for free childcare in addition to two-year olds from families on out of work benefits. Parents with low incomes can claim the childcare element of the Working Tax Credit which pays for childcare costs of up to a maximum of 70% of £175 a week for one child or £300 for two or more. Parents claiming Universal Credit are entitled to claim 85% of childcare costs. Alternatively, parents on higher incomes can apply for Tax Free Childcare. For every £8 a parent pays into their childcare account, the government will pay in an extra £2 up to a maximum of £2000. Parents can then use this money to pay their childcare provider.

5.3.2 Equal access to school meals is provided by all primary and special schools through participating in a citywide contract that is the same meal at the same price available to all pupils. The contract specifies that provision should be made for modified meals required on the grounds of cultural, religious or medical requirements.

Sustainability Implications:

5.4 There are no direct sustainability issues arising from this report.

Crime & Disorder Implications:

5.5 There are no direct crime and disorder issues arising from this report.

Risk and Opportunity Management Implications:

5.6 The services included in this report rely on being able to achieve their income targets in order to maintain the level of service provided.

Public Health Implications:

5.7 The opportunity to receive a free school meal or meal for no charge (UIFSM) is extremely important to a substantial number of children from low income families, for whom a school lunch may be the only balanced meal they will eat in a day. Research shows that when children eat better, they do better. Whether families are paying for school meals or are entitled to them for free, children are more likely to concentrate in the classroom in the afternoon after eating healthy school lunches in a pleasant environment. This also improves their health and their learning about making better food choices. Research also shows that children eligible for free school meals are less likely to: do well at school, continue into further education, or secure higher paid jobs. Therefore, ensuring that these children eat and gain the benefits of the free school meals they are entitled to, really will make a difference to their ability to learn and succeed.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Alternative options considered for the nursery fee increases included limiting the number of free hours that children can use each day and further increasing the hourly charge for the hours that parents pay for in addition to the free hours.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To agree and/or note the Families, Children and Learning Services Fees and Charges for 2021/22.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

1. Fees and Charges Analysis – 2020/21

Subject:	Compensation Payment for Early Years Providers		
Date of Meeting:	11 January 2021		
Report of:	Interim Director of Families, Children and Learning		
Contact Officer:	Name:	Caroline Parker	Tel: 01273 293587
	Email:	caroline.parker@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE/ NOT FOR PUBLICATION**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The paper outlines the use of officer urgency powers by the Interim Executive Director, Families, Children & Learning to agree Early Years Free Entitlement (EYFE) coronavirus-related compensation payments, in accordance with DfE guidance, for early years providers who had a lower number of children in autumn term 2020 compared with autumn 2019.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the use of officer urgency powers by the Interim Executive Director, Families, Children & Learning to agree the recommendations for funding compensation payments for early years providers:
- a. Providers of EYFE for two-year olds to be compensated at 100% of the difference between autumn 2020 hours, and an average of their total hours from autumn 2017, 2018 and 2019.
 - b. Private, voluntary and independent providers of EYFE for three and four-year olds to be compensated at 60% of the difference between autumn 2020 and autumn 2019 hours and maintained providers (schools) to be funded at 100%.
 - c. The small number of childminders who may be eligible to apply for compensation will be considered individually.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The context and background information are set out in the attached paper. It was not possible to delay this decision until a full committee meeting because EYFE compensation payments to early years providers needed to be made in the autumn term because that is the term to which the payment relates. The amount of money in the early years block of the DSG available for compensation was not known until after the October 2020 headcount when providers submitted their hours for that term. After that time was needed to review different compensation options. Delaying the compensation payment until the spring could have

jeopardised the finances of some early years' providers.

- 3.2 The Government announced on 18 December that they will return to funding the childcare entitlements based on the number of hours taken up by children from the start of the spring term 2021. This means that there will not be compensation payments for providers in the spring term.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 This is included in the attached record of urgent decision.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Schools Forum was consulted on 7 December.

6. CONCLUSION

- 6.1 To fund early years providers as set out in the recommendations.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 These are set out in the attached record of urgent decision.

Finance Officer Consulted: Steve Williams

Date: 04/12/20

Legal Implications:

- 7.2 These are set out in the attached record of urgent decision.

Lawyer Consulted: Liz Woodley

Date: 24/11/2020

Equalities Implications:

- 7.3 The aim of the compensation is to ensure the sustainability of childcare providers. This will help ensure that children with protected characteristics can continue to access childcare. Funded two-year olds are the most disadvantaged children and so providers of EYFE for two-year olds were compensated at 100% of the difference to ensure that places continue to be available.

Sustainability Implications:

- 7.4 The aim of the compensation is to ensure the sustainability of childcare providers so that children can access childcare near to where they live.

Brexit Implications:

- 7.5 None.

SUPPORTING DOCUMENTATION

Appendices:

1. **RECORD OF URGENT DECISION** - Compensation Payment for Early Years Providers

Background Documents

1. DfE Guidance: [Use of free early education entitlements funding during coronavirus \(COVID-19\)](#)

This record relates to urgent decisions taken by Chief Officers under the Scheme of Delegation to Officers Paragraph 7(2).

RECORD OF URGENT DECISION

TAKEN BY Deb Austin, Interim Executive Director Families, Children & Learning

SUBJECT: Compensation Payment for Early Years Providers
CONTACT OFFICER: **Caroline Parker Head of Early Years and Strategic Lead for Whole Family Working**

REASONS FOR URGENCY AND WHY NOT PRACTICABLE TO HOLD A SPECIAL MEETING OR URGENCY SUB-COMMITTEE:

This paper outlines recommendations for Early Years Free Entitlement (EYFE) coronavirus-related compensation payments, in accordance with DfE guidance, for early years providers who had a lower number of children this term compared with autumn 2019. These payments are based on the actual number of children attending on the headcount day in October 2020. The payments need to be made as soon as possible to ensure early years providers have enough funding to allow them to continue to operate.

Support for childcare provision in the city is an important part of its economic recovery following the pandemic.

DETAILS AND OUTCOME OF CONSULTATION WITH THE CHAIR/DEPUTY CHAIR OF RELEVANT COMMITTEE AND OPPOSITION SPOKES:**DATE OF CONSULTATION WITH CHAIR/DEPUTY CHAIR AND OPPOSITION SPOKES:**

Chair of CYPS – 20.11.20 & 26.11.20

Oppositions Spokespeople – 27.11.20

THE DECISION:

To note the use of officer urgency powers by the Interim Executive Director, Families, Children & Learning to agree the recommendations for funding compensation payments for early years providers:

- a) Providers of EYFE for two year olds to be compensated at 100% of the difference between autumn 2020 hours, and an average of their total hours from autumn 2017, 2018 and 2019.
- b) Private, voluntary and independent providers of EYFE for three and four year olds to be compensated at 60% of the difference between autumn 2020 and autumn 2019 hours and maintained providers (schools) to be funded at 100%.

- c) The small number of childminders who may be eligible to apply for compensation will be considered individually.

REASONS FOR DECISION

DfE guidance for autumn 2020

DfE guidance "[Use of free early education entitlements funding during coronavirus \(COVID-19\)](#)" issued on 20th July 2020 states that for autumn 2020

"local authorities should continue to fund providers which are open at broadly the levels they would have expected to see in the 2020 autumn term had there been no coronavirus (COVID-19) outbreak.

"The intention is to fund on the basis of 'as if autumn term 2020 were happening normally'. In order to do this, local authorities might, for example, use the numbers of children in places in the previous autumn to inform funding levels this autumn."

In normal circumstances our EYB allocation for autumn 2020 would be based on the January 2021 census. However, because the number of children taking up EYFE may not have returned to normal levels by January 2021 when the census is carried out, local authority funding for autumn 2020 will be based exceptionally upon the number of children in the January 2020 census.

Early years and childcare providers are funded for EYFE places based upon children's attendance. The funding rate for all providers for two year olds is £5.28 per hour, and for three and four year olds it is a base rate of £4.14, with supplements for quality and deprivation. The average funding rate for three and four year olds, including these supplements, is £4.36 per hour. Funding comes from the early years block of the dedicated schools grant which is ring-fenced for EYFE.

The majority of early years providers offer EYFE for two, three and four year olds, with the exception of most independent schools and maintained nursery classes which only offer places for three and four year olds.

Payments are made twice a term. The first payment is a 75% upfront estimate based on children's attendance in the equivalent term the previous year, and the second is a balancing payment based on children's actual attendance, made towards the end of the term.

For the 2021 spring term the DfE expects to return to the normal funding process but has stated that they are keeping this under review, and that further guidance will be issued "around Christmas".

The guidance had been discussed with the DfE, and it was explained to them that overall hours for the autumn term 2020 have not reduced significantly. The DfE understands this and it is hoped that they are taking it into consideration when producing guidance for spring term 2021. It is believed that other local authorities are in the same position. The DfE have advised that the minister's main concern is overall sufficiency of early years provision; there is currently enough

provision in Brighton & Hove. The DfE also emphasised fairness, transparency and rationale in local authority decision making for autumn 2020.

The proposals below include use of the EYB projected 2020/21 underspend, and so assume that we will return to the normal funding process for spring 2021 i.e. that providers are paid for actual children attending, with no compensation for what might have been were it not for Covid.

Schools' Forum was consulted on these proposals on 7th December 2020. The decision rests with the council.

It is not possible to delay this decision until a full committee meeting because EYFE compensation payment to early years providers need to be made in the autumn term because that is the term to which the payment relates. The amount of money in the early years block of the DSG available for compensation was not known until after the October 2020 headcount when providers submitted their hours for that term. After that time was needed to review different compensation options. Delaying the compensation payment until the spring may jeopardise the finances of some early years providers.

Proposals for compensation payments for autumn 2020

Private, voluntary and independent (PVI) early years providers have submitted their actual hours for two, three and four year olds for the autumn term, and have been paid accordingly.

For two year olds, overall hours were down on autumn 2019 by about 15%, and for three and four year olds there was a reduction of around 2%. However, the reduction in hours was not consistent across all providers. For three and four year olds, 47% of providers had more hours, and for two year olds 40% of providers had more hours compared with autumn 2019.

Government guidance appeared to assume that the majority of providers would have had lower hours than in autumn 2019 and therefore EYB underspend (adjusted in accordance with the January 2020 census) would be sufficient to make up the difference, which is not the case.

The proposals to compensate PVI providers who had fewer hours this term compared with last year are as follows:

Two year olds

Providers of EYFE for two year olds to be compensated at 100% of the difference between this autumn's hours, and an average of their total hours from 2017, 2018 and 2019 autumn terms. The payment to be made at the normal funding amount of £5.28 per hour. While the DfE guidance suggests that autumn 2019 could be considered in making compensation payments (which has been done for three and four year olds) for two year olds the average of hours for the three previous autumns is being used because hours are more variable than those for three and four year olds.

The 100% payment is proposed because of the loss to providers as a result of lower take-up by children of this age this term, likely to be a direct result of coronavirus – two year olds were not prioritised for a place when the general lockdown ended in June 2020, and parents of younger children may have been less likely to take up their funded place because of anxiety about the pandemic.

In addition, funded two year olds are the most disadvantaged children and so settings which take a large number are supporting the council's early years priorities. Two year olds are also more expensive to provide for because of the higher staff:child ratio, which is not compensated for fully by the higher hourly rate.

This proposal compensates:

- 54 PVI providers at an average of £2,772 per provider (£149,701)
- 3 maintained settings at an average of £2,739 per school (£8,216)

The total cost is £157,917

Three and four year olds

For maintained providers to be compensated at 100% of the difference between autumn 2019 and autumn 2020, with PVI providers at 60%. A total cost of **£278,068**. This would be within the anticipated 2020/21 underspend but is likely to be viewed as unfair by PVI providers and against the DfE requirement that local authorities fund all types of providers at the same base rate.

This option is being recommended because there is not enough funding available in the early years block for 2020/21 to fund all providers at 100%. Maintained providers are anticipating a 100% payment i.e. no clawback from their early years budget, as the September 2020 CYP committee paper on the consultation on the closure of Hertford Infant and Nursery School nursery class stated that this approach would be taken, in line with DfE guidance. Advice was also provided to Schools Forum in October 2020 to say:

“The government has recognised the impact that Covid-19 may have on the intake of pupils into nursery provision that is funded through the early years free entitlement provision. For the autumn term government advice is that LAs should continue to fund providers at the levels they would have expected to see had there been no Covid-19 outbreak. The LA will work with nursery schools and primary schools with nursery classes during the autumn term to ensure this arrangement is reflected. This means schools should not be subject to budget clawback where nursery numbers are lower due to Covid-19.”

The rationale for the difference between the compensation payment to maintained providers at 100% and PVI providers at 60% is

- Early years foundation stage prescribed staff:child ratios for maintained providers are fixed at two staff to 26 children and so it is difficult for maintained providers to adapt their staffing when lower numbers of children attend. For this reason staff costs in maintained settings are more fixed compared with PVI providers.
- Where there is insufficient funding for maintained nursery provision there will be pressure on the school's wider budget
- PVI providers were able to apply for Covid-19 local discretionary grants and have had a 2020/21 non-domestic rates holiday. However it is also recognised that many providers will have lost substantial income in fees from parents.

This proposal compensates:

- 56 PVI providers at an average of £3,646 per provider (£204,173)
- 10 maintained settings at an average of £7,389 per school (£73,895)

The total cost is £278,068

The difference in compensating PVI providers at 60% and 100% is between £8,500 and £3,000 for 18 providers, and £2,700 and £1,000 for a further 22 providers. For the remaining 16 the difference is less than £1,000. The overall average difference between compensation at 60% and 100% is £2,431.

Childminders

Childminders who have fewer children this term as a result of coronavirus have been asked to apply for compensation.

This could be, for example, where a parent previously used the childminder and another setting but is now unable to do this in order to avoid using more than one provider.

Childminders have been asked to apply for compensation where this is the case and payments will be made similarly to PVI providers (i.e. 100% for two-year olds, 60% for three and four year olds)

It is estimated that the cost of compensating childminders will be up to £3,000 and will apply to approximately eight childminders.

Total cost £3,000

Providers who get compensation payments but subsequently take more children this term will have these payments reduced accordingly

DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED:

Two other options were considered.

Option B

All providers of EYFE for three and four year olds to be compensated at 100% of the difference between this autumn's hours and their hours for autumn 2019. This proposal compensates 10 of 16 maintained providers with an average payment of £7,389. It compensates 56 PVI providers with an average payment of £6,077. The cost is £340,288 for PVI providers and £73,895 for maintained providers at a total cost of **£414,183** This proposal would require use of the carry forward from the underspend in the EYB for 2019/20. The option is not recommended as the carry forward from the EYB for 2019/20 is being set against other costs in the DSG for 2020/21 so would result in an overspend on the DSG.

Option C

Compensating both PVI and maintained providers at 60% of the difference between this autumn's hours and their hours for autumn 2019, which would bring the expenditure within the anticipated underspend for 2020/21 and not require use of the carry forward from 2019/20. This would compensate 56 PVI providers with an average payment of £3,646, at a total cost of £204,173. The cost for maintained providers would be £44,337 with an average payment of £4,434. The total cost for this option is **£248,510**. This option would lead to a total reduction in funding of £29,558 for 10 schools. The average reduction (the difference between 100% and 60% compensation) would be £2,956 and the maximum difference in compensation for a school

would be £5,375. This option is not recommended because this would jeopardise wider school budgets.

Summary of proposed compensation payments

Type	Compensation	Total cost	Number of providers to be compensated	Average payment
Two year olds, PVI and maintained	100% of difference between hours in autumn 2020 and the average of autumns 2017/2018/2019	£157,917	56	£2,770
Three and four year olds maintained	100% of difference between hours in autumn 2020 and autumn 2019	£73,895	10	£7,389
Three and four year olds PVI	60% of difference between hours in autumn 2020 and autumn 2019	£204,173	56	£3,646
Childminders	Based on individual circumstances but using percentages as applied to PVI providers above	£3,000 ¹	6 ²	
Total		£438,985		

LEGAL IMPLICATIONS:

DfE guidance on the Use of free early education entitlements funding during coronavirus (COVID-19) includes the following statements. "From the start of the autumn term 2020, local authorities should continue to fund providers which are open at broadly the levels they would have expected to see in the 2020 autumn term had there been no coronavirus (COVID-19) outbreak" and "The intention is to fund on the basis of 'as if autumn term 2020 were happening normally. " Based on statements such as these, PVI providers may have an expectation that they will be compensated at 100%, and not 60%. Legitimate expectation is a basis on which an aggrieved party can seek a judicial review of a public body's decision.

However, Government guidance is not binding on the council. It can be departed from with good cause. The reasons for departure should be documented in the interests of good and transparent decision making. The reasons for departure are set out in the Record of Urgency Decision.

¹ Estimate

² Ibid

The requirement in the Guidance for local authorities to be transparent in the approach they take will be met by the publication of the Urgency Decision at the next scheduled meeting of the Children, Young People and Skills Committee.

Lawyer consulted: Liz Woodley

Date: 24 November 2020

FINANCIAL IMPLICATIONS:

TBM 7 projected an EYB underspend of £204,000 for 2020/21 free entitlement budgets. The change to incorporate making compensation payments will be shown in TBM 8.

DfE guidance states that “local authorities should be transparent in the approach they take”. We will ensure that providers are clear about the basis for their payment, but any 60% payment for three and four year olds may be viewed as inconsistent with government guidance. Our approach is also likely to be subject to a freedom of information request (this was the case for our EYB underspend last year) with [comparisons between local authorities](#) published.

The additional amount for Option A compared with Option C could be found from the 2019/20 EYB underspend carry forward of £140,000. This is being used to offset wider pressures in the 2020/21 DSG, in particular mitigating the overspend reported in the high needs block. If this was re-directed to allow 100% compensation payments for three and four year olds this would have a significant impact on the 2020/21 DSG budget position.

The table below summarises the implications for TBM of making compensation payments in line with the options above. The updated TBM position includes the impact of revised forecasts for spring term.

Scenario	Free Entitlement Budgets Forecast £'000	Other DSG Budget Areas Forecast* £'000	Overall DSG Budget Forecast £'000
Current TBM position before compensation payments	(204)	552	348
Recommended option Updated TBM position assuming 60% compensation payments for 3&4-year olds (and 100% for maintained)	(4)	552	548
Option B Updated TBM position assuming 100% compensation payments for 3&4-year olds (and 100% for maintained)	132	552	684
Option C Updated TBM position assuming 60% compensation payments for both maintained and PVI 3&4-year olds	(37)	552	515

The other DSG budget areas overspend forecast of £552k is made up of the following key components:

Budget Area	£'000
High Needs Block	484
Central Services Schools Block	129
Centrally retained element of Schools Block	48
Other non EYFE elements of EYB	31
Unallocated Balance of 2019/20 DSG Cfwd	(140)
Total	552

Finance Office Consulted: Steve Williams Date: 24 November 2020

DATE OF NEXT COMMITTEE MEETING TO WHICH THE DECISION WILL BE REPORTED:

Children, Young People and Skills Committee 11 January 2021

Date:**Signed:**

Interim Executive Director Families,
Children & Learning



Logged by Democratic Services
Officer for Annual Report:

Name:

Date:

Subject:	Trans Inclusion Schools Toolkit Version 4
Date of Meeting:	11.1.20
Report of:	Interim Executive Director Families Children & Learning
Contact Officer: Name:	Sam Beal
Email:	educationandskills@brighton-hove.gov.uk
Ward(s) affected:	All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To provide an update on the progress of version 4 of the *Trans Inclusion Schools Toolkit* to committee. This Toolkit is a Brighton & Hove City Council document, one of a range of guides developed to support schools with their equality and inclusion practice.

2. RECOMMENDATIONS:

- 2.1 That committee agree that the *Trans Inclusion Schools Toolkit* is needed to support schools in supporting trans and gender exploring children and young people.
- 2.2 That committee note the progress in reviewing the Trans Inclusion Schools Toolkit V4 and agree that it is released for wider consultation.
- 2.3 That a final version of the report is presented to June 2021 CYPS committee for sign off.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 Brighton & Hove City Council has a long history of working with Allsorts Youth Project and other partners to support and challenge schools to provide safe learning environments for lesbian, gay and bisexual pupils and students.
- 3.2 In 2012, a small number of primary and secondary schools began contacting the local authority about children and young people who were saying that their gender identity did not align with their gender assigned at birth. Schools were asking questions about how to support these children and their families and how to ensure that the school was able to respond to any changes related to name, pronoun and clothing. At a similar time, Allsorts Youth Project hired some trans youth workers.
- 3.3 [The Trans Needs Assessment report](#) was published in 2015 by Brighton & Hove City Council. The Trans Needs Assessment was undertaken by the council in

partnership with the NHS, CCGs and community and Voluntary Sector organisations. The assessment highlighted the level of discrimination and prejudice that is ongoing in Brighton & Hove for trans people, but also the strengths of the local trans community. It provided practical recommendations on how inequality can be tackled and how local and national services can be improved. It included a recommendation for schools.

- 3.4 In 2014 the first version of the council's *Trans Inclusion Schools Toolkit* was written in consultation with Allsorts Youth Project and disseminated to schools along with training to support implementation. The Toolkit was written with the to provide guidance to schools on how to support trans, non-binary and gender exploring children and young people. It is one of several guidance or advice documents on equality issues produced by the council's Equality and Anti-Bullying Service.
- 3.5 Lesbian, gay, bisexual and trans children and young people remain a vulnerable group within Brighton & Hove as can be seen in the [annual reports](#) for Allsorts Youth project. Data from [Stonewall](#) further supports the need for more work in schools to support trans pupils and students.
- 3.6 Since its publication, the Toolkit has been regularly reviewed. The *Trans Inclusion Schools Toolkit (Version 4)* has been under-development for about nine months and significant changes have been made resulting from feedback and consultation undertaken so far. Changes include clarifying what is meant by 'trans', reminding schools about the importance of equality impact assessing and additional sections on intersectionality and governor duties. Version 4 also makes clear that support for children and young people to explore their identity in a range of ways does not and should not assume a child or young person is on any one particular pathway or journey. The approach taken within the Toolkit aligns with that taken by Brighton & Hove City Council on [gender diversity](#).
- 3.7 The council is keen to ensure the Toolkit provides the best support to its education settings and the children and young people within them and so has extended the review and consultation phase.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The consultation has been extended to listen to further feedback on the Toolkit.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The pandemic has made engagement and consultation on the Toolkit challenging. However, opportunities for engaging with and contributing to Version 4 have been provided to school staff and governors, young people, parents and carers attending Allsorts Youth Project, LGBTQ, sexual and domestic violence community and voluntary sector partners, and women's organisations in the city. Brighton & Hove's Youth Council has also provided some comment. Feedback has also been sought from Brighton & Hove's Standing Advisory Council for Religious Education, the two diocese and other local authorities. These have resulted in changes to the Toolkit. We are continuing to engage with these groups to inform ongoing practice.

6. CONCLUSION

6.1 Further consultation and engagement with Toolkit is required.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial implications

The development of the toolkit is funded within the school organisation budget and can be met within existing resources.

Finance Officer Consulted: Name: David Ellis

Date: 09/07/20

7.2 Legal Implications:

The toolkit is being reviewed and further developed to provide schools with guidance about how to understand, identify and support the needs of their pupils. Trans people are explicitly protected under S7(1) of the Equality Act 2010 from discrimination whether directly or indirectly. A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. The recent well publicised High Court judicial review case, which determined the process to obtain clinical consent to puberty blockers, reinforces the importance of public institutions having carefully developed guidance to meet the needs of trans pupils. Wider consultation will provide young people in particular with a further opportunity to contribute to ensuring that the final draft of the guidance provides a robust foundation of understanding and inclusive practice. This will better equip schools to promote inclusivity and meet their statutory equalities duties, as well as providing a framework for making decisions so as to promote the welfare of all their students, and provide a safe space for learning.

Lawyer Consulted: Natasha Watson Date: 29/12/20

7.3.1 Equalities Implications:

The draft Toolkit advises schools to place their trans inclusion work within a wider equality framework and practice that includes work to prevent gender stereotyping and sexism and aims to meet the needs of all gender and sexual orientations.

The Toolkit reminds schools that trans pupils and students will have intersectional identities and provides some guidance on meeting the needs of trans pupils and students who are Black, Asian and Minority Ethnic, who have special educational needs and disabilities, who are adopted or are in care.

The toolkit is a guidance document to support inclusive practice, but it recognises that every situation will be different, and schools will make decisions on a case

by case basis with the wider school context in mind, as they would with any guidance document.

Ongoing tailored support is also available to schools beyond the toolkit to help them respond effectively to any pupils individual needs.

The toolkit is reviewed regularly and updated at least annually in line with best practice, national guidance, and to ensure that it is effective in the changing context.

7.4 Sustainability Implications:

None

Brexit Implications:

None

7.5 Any Other Significant Implications:

No

Crime & Disorder Implications:

7.5 No

Risk and Opportunity Management Implications:

7.6 No

Public Health Implications:

7.7 There is evidence to show that trans and gender question children and young people who are not supported can suffer from mental health challenges.

Corporate / Citywide Implications:

7.8 This Toolkit supports the council's approach to gender diversity.

SUPPORTING DOCUMENTATION

