

Brighton & Hove City Council

Children, Young People & Skills Committee

Agenda Item 62

Subject: Admission Arrangements September 2023

Date of meeting: 31 January 2022

Report of: Executive Director Families, Children & Learning

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Ward(s) affected: All

For general release

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that in consideration of the consultation responses and the proposed recommendations it was felt essential to consider the pattern of preferences for schools in the city for September 2022 in order to ensure that the recommendations in this report are as informed as possible. The closing date for applications was 11:59pm on 15 January 2022 and the first summary of preferences was not available until 21 January 2022.

1. Purpose of the report and policy context

- 1.1 This report details the proposed school admission arrangements for the city's schools, for which the Council is the admission authority, for the academic year 2023-24.
- 1.2 The report details the outcome of the consultation undertaken in November and December 2021 on the proposed changes to the Published Admission Number of seven primary 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 2023-24.

2. Recommendations

- 2.1 That Committee agree to make no changes to the council's school admission arrangements or secondary school catchment areas.
- 2.2 That Committee agree to make no change to the Published Admission Number (PAN) for Bevendean Primary School and Nursery.

- 2.3 That Committee agree to make no change to the Published Admission Number (PAN) for Carden Nursery & Primary School.
- 2.4 That Committee agree to make no change to the Published Admission Number (PAN) for Coldean Primary School.
- 2.5 That Committee agree to make no change to the Published Admission Number (PAN) for Queen's Park Primary School.
- 2.6 That Committee agree to make no change to the Published Admission Number (PAN) for Rudyard Kipling Primary School & Nursery.
- 2.7 That Committee agree to make no change to the Published Admission Number (PAN) for Saltdean Primary School.
- 2.8 That Committee agree to make no change to the Published Admission Number (PAN) for Woodingdean Primary School.
- 2.9 That Committee agree to make no change to the co-ordinated scheme for admissions or to the "relevant area".

3. Context and background information

- 3.1 Pupil numbers overall across the city have been falling and are forecast to continue to fall over the next few years.
- 3.2 Schools are funded by the government, not the council. The funding is largely done on a per-pupil basis and nearly all of it covers staffing costs. If schools don't have enough pupils attending or suffer from fluctuating numbers, they may not be able to operate in a financially efficient way and risk entering a budget deficit. If the number of surplus places in the city is not addressed some schools could face significant financial issues that will impact on their ability to sustain their school improvement journey. Where schools do not take appropriate action to adjust their expenditure in line with changes in revenue, they risk incurring a deficit budget which has an implication for the school and the council's own budget.
- 3.3 This comes at a time when schools are also facing several other financial pressures generated by the scale of government funding and inflationary pressures on areas such as staff costs, energy bills and other goods/services.
- 3.4 As the admission authority for community schools the council has the responsibility to set the PAN (the numbers of children able to join a school in Year R) for these schools. In recent years the council has taken steps to reduce the number of surplus places in the city's primary schools predominantly with the support of governing bodies and in anticipation of the current forecast of pupil numbers continuing to fall, as part of its responsibility to ensure an efficient and sustainable education system. The council is not the admissions authority for academies or voluntary aided schools.

- 3.5 The council remains committed to keeping schools in the city open and to try to avoid the risk of an increase in schools experiencing financial pressures. 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. Councils have no control over the birth rate, or which schools parents prefer for their children. This makes planning for future school places a complex task.
- 3.6 The council has remained in dialogue with both the Diocese of Chichester and Diocese of Arundel & Brighton and expect them to consider the responses to the public consultation and the role that they have in managing the supply of primary school places in the coming years. Although it is recognized that the admission authority for Voluntary Aided schools is the governing body. We will continue to discuss the need for them to help address the surplus of primary school places in the city.
- 3.7 The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012 (“the Regulations”) and the School Admissions Code 2021 determine the procedure by which the Published Admission Number of schools is set and amended. The council is required to abide by the regulations and Code to ensure the correct procedures are followed. Therefore, it is not possible to manage the situation more flexibly without following these processes.
- 3.8 The Office of the Schools Adjudicator is responsible for:
- ruling on objections to and referrals about state school admission arrangements
 - settling disputes over school organisation proposals
 - making decisions on requests to vary school admission arrangements

The School Adjudicators work independently from the Department for Education but are appointed by the Secretary of State for Education. Complaints about a decision made by an adjudicator cannot be considered; these can only be challenged through the courts. Complaints will only be considered about procedural issues i.e., how a case has been handled.

As a result, the council remains mindful that despite its frustration at the policy priorities informing their recent decisions regarding schools in the city it is unlikely that a challenge to the Schools Adjudicator will be successful. It is clear from the four recent successful challenges that the Schools Adjudicator is unlikely to uphold any decision to reduce the PAN of a school which results in the frustration of parental preference. However as primary pupil numbers continue to fall in the city over the next few years it is anticipated that the Council will be able to look to reduce the PAN in a wider range of schools, including some of the larger schools in the city, as the impact on parental preference will be much reduced.

- 3.9 On the 3 November 2021 Brunswick Primary School made a late objection to the Schools Adjudicator regarding the reduced Published Admission

Number of 90 that had been determined in January 2021. As a result of the Adjudicator’s determination the school’s PAN for 2022 has been revised to the original PAN of 120. Whilst the original consultation included consultation on a PAN of 90 this has been superseded by the determination and the school’s PAN as detailed in appendix 2 is now shown as 120. In addition, the forecast of future primary school places required, as detailed in appendix 1, has been adjusted to show the additional 30 places that have been reinstated.

Consultation Approach

- 3.10 The Regulations outline who must be consulted in relation to school admission arrangements. This includes parents of children between the ages of two and eighteen; other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions; all other admission authorities within the relevant area and any adjoining neighbouring local authority areas, where the admission authority is the local authority.
- 3.11 On 15 November 2021, all schools were advised via a Schools Bulletin article, of the agreement of the CYP&S committee on 8 November 2021 to undertake a consultation on the proposed reduction of PAN at 7 schools and were requested to draw parents’ attention to the consultation. All documentations were supplied with the bulletin.
- 3.12 The consultation started on 15 November 2021 and closed on 2 January 2022. It was open for 7 weeks and a total of 49 days, meeting the 6 week minimum requirement outlined in the Schools Admission Code.
- 3.13 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.
- 3.14 A series of 22 public meetings and one meeting with union representatives 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, one in person at the school and one held virtually through Microsoft Teams. Several open, virtual meetings were also offered focusing on the proposals in general.
- 3.15 In total there were 320 attendees to virtual meetings and 268 attendees to in-person meetings and 451 responses to the online consultation response form. Table 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
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Brighton & Hove resident	71	15.74%
Parent or guardian of a child(ren) directly affected by the proposed changes	264	58.54%
Parent or guardian of a child(ren) not directly affected by the proposed changes	52	11.53%
Teacher in one of Brighton & Hove schools	29	6.43%
Governor at one of Brighton & Hove schools, please give detail below	8	1.77%
Representative of a voluntary or community group, please give details below	1	0.22%
Other, please give details below	18	3.99%
Not Answered	8	1.77%

- 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 Additionally, the Council endeavoured to encourage responses to the consultation from groups in the city who might not usually participate with consultations on School admissions. PACC and Amaze issued information to parents in their community about the proposals and consultation and EMAS (Ethnic Minority Achievement Service) provided information, advice and assistance to complete the consultation to families through their Home:School Liaison workers.
- 3.18 In September 2023 the Council is projecting that there will be 2132 applications leaving 568 places unfilled should no further reduction of places take place.
- 3.19 In September 2024 pupil numbers are projected to be 2080 leaving 620 places unfilled if there is no change to current PANs.
- 3.20 The first indication of pupil numbers in September 2025 forecast there will be 1930 applications leaving 770 surplus places unfilled should no further reduction of places take place.
- 3.21 The School Admission Code details that once admission arrangements have been determined for a particular school year, they cannot be revised downwards by the admission authority unless the admission authority consider such changes to be necessary in view of a “major change in circumstances”. Such proposals must be referred to the Schools Adjudicator for approval.
- 3.22 In putting forward proposals for reductions in the PAN in some schools, the Council aimed to avoid the uncertainty of a later application to the Schools Adjudicator, seeking a variation to admission arrangements that have been previously determined.

- 3.23 68.96% of the 445 respondents stated they disagreed with the council proposing to reduce the total number of surplus school spaces in the city. Rather than progress the proposals consulted upon the council is proposing to make no change to the PANs of those primary schools in September 2023 and to look again at the strategy it has followed over recent years and respond to immediate concerns that develop each year when forecast data and actual allocation information becomes known.
- 3.24 The publication of this report is late so that the Council could scrutinise the numbers of preferences each primary school received for September 2022 so as to better inform the consideration of recommendations detailed in this report. These figures have been carefully considered alongside the preferences for each school between 2019-2021 as detailed in appendix 6 and the responses to the consultation which included several predictions and assertions about the changing level of applications for schools proposed to have a change in PAN.
- 3.25 Whilst proposals are not being taken forward for September 2023 this does not mean that a further proposal for these schools will not be forthcoming in future years. The schools will remain under scrutiny in relation to their numbers of pupils and ability to successfully manage their budget.
- 3.26 The council's Scheme for Financing Schools states that schools may not plan for a deficit budget unless otherwise approved by the Director Children's Services (DCS) and Section 151 Officer. Careful consideration will be made where a school seeks permission to set a deficit budget where the significant contributory factor is surplus places. It will be expected that any school where this is a feature of their financial difficulties will be required to carefully assess how more formal partnership arrangements and alternative staffing and leadership options can be utilized before consideration of a deficit is taken. The council has no budget for keeping schools open where pupil number forecasts suggest schools may encounter serious financial difficulties.
- 3.27 The most common theme across the consultation responses was that all schools in the city should play their part to reduce number of surplus places particularly larger schools and schools situated in areas of the city where there are accessible alternative schools. As detailed earlier in the report, it is hoped that taking a longer-term view of the issue will allow for this preferred approach to be more likely to succeed.
- 3.28 Other broad concerns raised in several responses included fears that schools subject to reduction in PAN might (i) make them less attractive to parents, (ii) make them vulnerable to closure in future years, and (iii) that strong, experienced teachers might leave thus making those schools more vulnerable to being unable to sustain their improvement journey.
- 3.29 Many responders felt that the accuracy of pupil forecast was questionable particularly given both the uncertainty around housing developments and the largely unknown effects of pandemic.

- 3.30 Almost all schools identified serve distinct communities and a common response was that pupils living in these areas would be unable to secure a place at their preferred or local school due to a reduced PAN. This would then necessitate a long or difficult journey to an alternative school with space.
- 3.31 When coupled with the concerns regarding the accuracy of pupil forecasts this can be understood, however proposals to reduce the PAN are based upon consideration of the numbers of children living in the area, housing developments and the number of applications a school may receive in the future. As such the council remains confident that no local children would be displaced from attending a local or preferred school if that was their preference because fewer children were in the vicinity needing school places.
- 3.32 During the consultation period it was frequently highlighted that the proposals under consideration ran at odds with some of the council's other stated priorities. One particular area of focus was on the declaration of a climate emergency and a number of responses noted that the proposals were not compatible with the council's carbon neutrality goal.
- 3.33 As paragraphs 3.31 outlines, it is not anticipated that a reduction in PANs will lead to an increase in the number or length of journey for families, as the aim is to ensure the number of pupils matches the places available at local schools. Work is already underway in trying to reduce the existing journeys taken by car to local schools with the introduction of school streets and other walking and cycling initiatives, such as improving walking and cycling infrastructure across the city. This indicates it is therefore not an accurate assumption that proximity to the school means less carbon emissions; as decisions about what school feature in parental preferences are varied. There is still work to do to encourage even those living close to a school to opt for more sustainable journeys. The Council continues with a programme of works to help secure carbon neutrality; of which energy, water, waste and nature and the environment feature as well as transport.
- 3.34 Responses also raised concerns regarding the unpopularity of mixed age classes with teachers due to the lack of training for delivering such a wide range of curriculum within a single class, particularly within schools with a high level of pupils on the SEN register.
- 3.35 Unpopularity of mixed age classes with teachers was thought to lead to experienced and valued teachers leaving these schools due to the additional workload and pressures further jeopardising the quality of education delivered.
- 3.36 It is acknowledged that mixed-age teaching is a challenge where teachers must constantly adapt their approach. However, it is anticipated that schools may need to consider this approach going forward given the continuing reduction in pupil numbers over the coming years.

Bevendean Primary School and Nursery

- 3.37 There were 412 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 2 below. In total 253 respondents (56.1%) tended to disagree or strongly disagreed with this proposal compared to 15 respondents (3.32%) who strongly agreed or tended to agree with this proposal. 127 respondents (28.16%) didn't offer an opinion or didn't answer the question.
- 3.38 Concerns were raised that as the school currently operates two smaller classes in each year group the reduction in PAN would mean both larger classes and the introduction of mixed age teaching. Many responders suggested that mixed age teaching does not work and that parents would not want to send their children to a school that had mixed age classes and that by making this change would effectively be putting the school on a trajectory to fail.
- 3.39 It was commented upon frequently that inclusion mentors within the school offer a great service to pupils and their families. By reducing the PAN of the school this level of staffing will be placed under greater pressure and any reduction is likely to result in a widening of the attainment gap.
- 3.40 It was noted that schools in the east of the city have a significant level of disadvantaged pupils and for some of the disadvantaged and looked after children the only constant and safe relationship they have is with their teacher. It was stated that the proposal will damage that relationship by making class sizes larger.
- 3.41 The school has a well-respected hearing impairment unit. The pupils spend part of their school time in the unit and part of the time in mainstream classes that have been specially adapted to accommodate this. It was stated that the increase in class sizes would have a detrimental impact on those hearing-impaired pupils.
- 3.42 It was noted that there is no viable alternative school for families living in Bevendean, to get to any other school requires catching at least 2 buses and many families do not have the resources to do this. This places greater emphasis on the accuracy of the forecast numbers. According to responses as approximately 10% to 12% of properties in Bevendean are currently HMOs, given the new student accommodation that is becoming available it was felt that figure is likely to fall with the result that more families might move into the area and require school places.
- 3.43 The school also highlighted that they are a school that regularly increase in size through in year admissions (across all year groups) and that a PAN reduction could impact upon their ability to offer a school place for families moving into the local area.
- 3.44 Having taken into consideration the comments received, in particular the impact of a reduction on the hearing impairment unit, together with the school's strong budget position and nursery figures, which the Schools Adjudicator has previously commented as potentially being an indicator of

future parental preference for the school, it is recommended that the school does not change its PAN. This will allow for all in-year applications to be provided with a school place and does not jeopardise the work undertaken with children in the hearing impairment unit.

Table 2

Option - to reduce the PAN at Bevendean	Total	Percent
Strongly agree	8	1.77%
Tend to agree	7	1.55%
Neither agree nor disagree	56	12.42%
Tend to disagree	45	9.98%
Strongly disagree	208	46.12%
Don't know / not sure	88	19.51%
Not Answered	39	8.65%

Carden Nursery & Primary School

- 3.45 There were 393 responses to this part of the proposal through the consultation portal and a summary of the responses are provided in Table 3 below. In total 290 respondents (64.3%) tended to disagree or strongly disagreed with this proposal compared to 15 respondents (3.33%) who strongly agreed or tended to agree with this proposal. 113 respondents (25.06%) didn't offer an opinion or didn't answer the question.
- 3.46 Many responses raised concerns about pupils being unable to secure a place at Carden if the PAN was reduced to 30 where, it is reported, parental preference has been increasing over the past few years.
- 3.47 With large numbers of siblings applying each year, a reduced PAN would potentially mean the school would be filled with a majority of siblings leaving other local children to be refused a place.
- 3.48 It was warned that a reduced PAN would affect the children who move into the area outside of the usual admission cycle and this would disproportionately affect traveller families living on the permanent site, families placed in temporary accommodation in Stanmer Heights and those housed in the local temporary supported accommodation.
- 3.49 Whilst the school's management of its budget is not a concern a reduction in PAN could cause financial difficulties for the school which has a large site and extensive grounds. It was felt that this would become unmanageable as a single form entry school and the PTA's impact in supporting the school which raised £24,000 for pupils last year would be diminished.
- 3.50 Several responses raised concerns about the impact on the Speech and Language Centre (SLC) as pupils from the Centre are integrated into mainstream classes for much of the day.

- 3.51 The governing body and local councillors indicated in their response that the school recognised the part it had to play in the city-wide problem and indicated that reducing to a PAN of 45 would be an appropriate compromise as this reflects current pupil numbers more appropriately than a reduction of 30 and would allow the school to continue making the provision for those pupils assigned to the SLC. However, they also highlighted that they would appreciate further time to understand their numbers over the coming years.
- 3.52 It is proposed that the school's PAN does not change to ensure the continued success of the SLC and ensuring parity in the approach proposed for Bevendean Primary School and its specialist provision. It is noted that any future proposals should be undertaken in tandem with Patcham Infant and Junior schools

Table 3

Option - to reduce the PAN at Carden	Total	Percent
Strongly agree	9	2.00%
Tend to agree	6	1.33%
Neither agree nor disagree	33	7.32%
Tend to disagree	18	3.99%
Strongly disagree	272	60.31%
Don't know / not sure	55	12.20%
Not Answered	58	12.86%

Coldean Primary School

- 3.53 There were 380 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 224 respondents (49.67%) tended to disagree or strongly disagreed with this proposal compared to 16 respondents (3.54%) who strongly agreed or tended to agree with this proposal. 161 respondents (35.7%) didn't offer an opinion or didn't answer the question.
- 3.54 A significant concern was the 242 new homes being developed on Coldean Lane that were expected to become available in the summer 2023. A reduction in PAN would mean families moving to these new homes would be unable to get a place at their local school. Although this was taken into account when working up the original proposals.
- 3.55 As referenced in paragraph 3.37 responses also commented on the prevalence of HMOs in this part of the city and how this was changing due to new student accommodation becoming available and families moving back into those homes. Especially when the geography of the area was considered and the need to travel outside of the community to be able to attend another school.
- 3.56 The school is currently demonstrating an ability to manage its budget and the concern about ensuring the community is well served by its local school means that it is proposed that no change is made to the school's PAN.

Table 4

Option- to reduce the PAN at Coldean	Total	Percent
Strongly agree	8	1.77%
Tend to agree	8	1.77%
Neither agree nor disagree	50	11.09%
Tend to disagree	47	10.42%
Strongly disagree	177	39.25%
Don't know / not sure	90	19.96%
Not Answered	71	15.74%

Queen's Park Primary School

- 3.57 There were 378 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 193 respondents (55.87%) tended to disagree or strongly disagreed with this proposal compared to 21 respondents (4.65%) who strongly agreed or tended to agree with this proposal. 172 respondents (38.14%) didn't offer an opinion or didn't answer the question.
- 3.58 Concern was expressed that the reduction in PAN would reduce diversity of the school's intake and limit the opportunity of families whose parents work in the surrounding area, such as the hospital, and who often arrive outside of the traditional admission round.
- 3.59 It was noted that, should these proposals go through, parents would be faced with the option of a large 'outstanding' primary school or several smaller schools meaning a lack of diversity for parents from which to choose.
- 3.60 The school originally had a PAN of 45, before expansion put forward by the council and it was raised in the consultation that the school's previous experience would allow it to adjust back to a PAN of 45 rather than learn from scratch how it would need to adjust to become a single form entry school.
- 3.61 However, the school is not requiring a licensed deficit currently but operates within its yearly budget allocation. Taking into consideration the issues raised, it is proposed that no change is made to the school's PAN at this time.

Table 5

Option- to reduce the PAN at Queens Park	Total	Percent
Strongly agree	7	1.55%
Tend to agree	14	3.10%
Neither agree nor disagree	65	14.41%
Tend to disagree	40	8.87%
Strongly disagree	153	33.92%

Don't know / not sure	99	21.95%
Not Answered	73	16.19%

Rudyard Kipling Primary School & Nursery

- 3.62 There were 388 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 215 respondents (47.67%) tended to disagree or strongly disagreed with this proposal compared to 29 respondents (6.43%) who strongly agreed or tended to agree with this proposal. 150 respondents (33.26%) didn't offer an opinion or didn't answer the question.
- 3.63 Responses noted the high percentage of disadvantaged pupils and pupils with Special Educational Needs on roll and therefore the disproportionate impact that a change in PAN would have on those pupils.
- 3.64 As was also noted in the responses received in relation to Woodingdean Primary School, there were significant concerns about the introduction of mixed age classes because of a reduction in PAN to 45.
- 3.65 It was observed that a further change after the recent restructure that the new headteacher was required to implement upon arrival could impact on the morale of staff and create further uncertainty for the community.
- 3.66 Concerns were expressed about the potential introduction of a two-tiered school system in Woodingdean, if the two schools were treated differently. There was support for the opportunity to give the school and its new leadership team time to have an impact upon the school's popularity.
- 3.67 In addition to the recent restructure of staffing the school is taking steps to come out of a licensed deficit. Changes at this time may further de-stabilise the school's position and it is recommended that the school does not change its PAN.

Table 6

Option- to reduce the PAN at Rudyard Kipling	Total	Percent
Strongly agree	10	2.22%
Tend to agree	19	4.21%
Neither agree nor disagree	57	12.64%
Tend to disagree	35	7.76%
Strongly disagree	180	39.91%
Don't know / not sure	87	19.29%
Not Answered	63	13.97%

Saltdean Primary School

- 3.68 There were 385 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 194 respondents (43.01%) tended to disagree or strongly

disagreed with this proposal compared to 39 respondents (8.65%) who strongly agreed or tended to agree with this proposal. 153 respondents (33.92%) didn't offer an opinion or didn't answer the question.

- 3.69 A significant number of responses highlighted a concern that the forecasts of future pupil numbers did not adequately reflect the situation in the area. Additional enquiries had been made to the nurseries and GP practices locally and it was reported that the figures obtained suggested a higher number of children in the area. As a result, it was felt that a reduction in PAN would not be appropriate.
- 3.70 In addition, reference was also made to impact that housing developments in Saltdean, Rottingdean and Ovingdean would bring should the PAN of the school reduce.
- 3.71 Responses stressed the need to consider the uniqueness of the area serviced by the school including the authority boundary which runs through Saltdean. Alongside the impact generated by schools in East Sussex including the current Ofsted judgment for Telscombe Primary School.
- 3.72 The school has a strong budget position and whilst it has been expanded in recent years to admit 90 pupils its admission number has often fluctuated. However, the concerns raised about mixed age teaching and the intention to provide opportunity for all residents of Saltdean to secure a place at the school it is proposed that no change to the school's PAN is made.

Table 7

Option- to reduce the PAN at Saltdean	Total	Percent
Strongly agree	12	2.66%
Tend to agree	27	5.99%
Neither agree nor disagree	65	14.41%
Tend to disagree	36	7.98%
Strongly disagree	158	35.03%
Don't know / not sure	87	19.29%
Not Answered	66	14.63%

Woodingdean Primary School

- 3.73 There were 391 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 247 respondents (54.76%) tended to disagree or strongly disagreed with this proposal compared to 20 respondents (4.43%) who strongly agreed or tended to agree with this proposal. 138 respondents (30.59%) didn't offer an opinion or didn't answer the question.
- 3.74 Several responses highlighted the school's increasing popularity and therefore a reduction in PAN would frustrate parental preference, as the school was oversubscribed this year.

- 3.75 As detailed earlier in the report, there were significant concerns about the introduction of mixed age classes as a consequence of a reduction in PAN to 45. By reducing both schools in Woodingdean parents will have no choice other than to attend a school that has mixed age teaching and this was described as discriminatory. The school supplied data showing that staff would not choose to teach in a mixed aged class school and responses detailed that it was a method of teaching that was particularly hard for newly qualified teachers and for teachers who have not experienced it before.
- 3.76 The school has a strong budget position with plans to enhance the facilities on the school site which would be put at risk if a change in PAN took place.
- 3.77 As referenced in paragraph 3.70 there is concern about treating the schools in Woodingdean differently in relation to admission arrangements. In addition, taking into consideration the sense of concern in the community about mixed aged teaching and the strong budget position of the school it is recommended that the school does not change its PAN.

Table 8

Option- to reduce the PAN at Woodingdean	Total	Percent
Strongly agree	8	1.77%
Tend to agree	12	2.66%
Neither agree nor disagree	46	10.20%
Tend to disagree	36	7.98%
Strongly disagree	211	46.78%
Don't know / not sure	78	17.29%
Not Answered	60	13.30%

Secondary school admission arrangements

- 3.78 There were 75 responses 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 using distance tie break rather than random allocation, the prioritisation of siblings from outside the catchment area and priority for families in temporary accommodation. 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.

Infant & Primary school admission arrangements

- 3.79 There were 44 responses 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 giving priority for low-income families and priority for families in temporary accommodation. 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 2023/24

- 3.80 Only 28 responses were received regarding this matter. Most 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

- 3.81 There were 44 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 giving priority for low-income families and priority for families in temporary accommodation. It is recommended that no change is made to the 'relevant area as currently stated.

4. Analysis and consideration of alternative options

- 4.1 The Council only consulted upon proposals to reduce the PAN at the seven primary schools detailed in this report. Any additional changes to other schools were not considered as part of a public consultation and therefore the views of the community on those alterations would not be known. Under the School Admission Code this must be undertaken following a consultation with the governing body.
- 4.2 The Council could seek to make the change to the PAN originally consulted upon however this would not take account of the responses received especially the strong assertion from some schools that despite not reaching their PAN the school remains financially viable with no detrimental impact on the education provision. Whilst this may ensure the council is working in advance of anticipated pressures in future years it would be acting against the majority view of responders to the consultation and the specific responses of governing bodies, where these were received.
- 4.3 It is possible for the Council to seek agreement from the Schools Adjudicator for a variation to the PAN of schools with effect from September 2023 after notifying all other admission authorities within the relevant area. This needs to follow a major change in circumstances which, the council would need to argue, could include details of actual preferences received for specific schools from January 2023 onwards.

5. Community engagement and consultation

- 5.1 The Council scrutinised the Voluntary Aided (VA) Schools, Academies 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 and trusts before deciding whether it should comment or act further.

- 5.2 The Council has met with all Headteachers and Chairs of Governors of larger primary schools in the city to discuss whether a future reduction in PAN was a proposal that they would wish to undertake. No schools have yet indicated a willingness to undertake such a reduction. The council is committed to continuing this discussion.
- 5.3 Two 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. One of these meetings was in person at the school and the other was held virtually. An additional 8 open, virtual meetings were also held giving interested parties the opportunity to discuss the proposals in general. The virtual meetings were conducted through Microsoft Teams. There was a range of attendance from no parents at some events up to 100 participants at others.
- 5.4 The consultation started on 15 November 2021 and closed on 2 January 2022. Information about the consultation and links to the virtual public meetings was available on the council's website www.brighton-hove.gov.uk/SchoolAdmissionsConsultation. 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 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 between 74% and 80% of responses completed the equalities monitoring questions depending upon the specific question answered.
- 5.7 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 children are allocated it will be a good school. The difficulty of not being able to attend a local school was however identified as a potential problem. We will look into how this can be addressed for any consultations in future years.

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 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 in the coming years. The aim of the proposals put forward to public consultation were to support the whole family of schools by acting early which was having 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.
- 6.4 After consultation on proposals to reduce the Published Admission Number it is recommended that no change is made to the Published Admission Number (PAN) of the following 7 primary schools:
- Carden Nursery & Primary School
 - Coldean Primary School
 - Queen's Park Primary School
 - Saltdean Primary School
 - Bevendean Primary School and Nursery
 - Rudyard Kipling Primary School & Nursery
 - Woodingdean Primary School
- 6.5 Whilst changes to PAN have not been recommended it is still possible that they will once again be under consideration when arrangements for September 2024 are consulted upon. There is a need to maintain a focus upon the school's ability to manage its budget successfully and the levels of applications as well as numbers of children on roll.
- 6.6 The city will be left with a high level of surplus places but the preferred approach going forward is to focus on:
- Schools of 3 or more forms of entry to reduce in size
 - Allowing schools with surplus places but manageable budget pressures to maintain their current size
 - Continuing to communicate with the diocese on how they can address surplus places in VA schools
- 6.7 This will give more time to ascertain if the forecast drop in pupil numbers continues and also allow time to consider the changing patterns of working arising from Covid and the shifting pattern of home ownership in the city and whether these are significant enough to counter some of the responses to the consultation regarding the long-range forecasts.
- 6.8 In addition, it is expected to also give time for the fall in pupil numbers to affect the pattern of parental preferences which may allow the council to re-

consider approaching some of the larger schools that have previously successfully appealed to the Schools Adjudicator. It may also allow those governing bodies of larger schools to re-consider their role in contributing to the solution

- 6.9 School closure remains a possible option but the least favoured, due to the role that schools play within their communities. However, the limitations on the council's ability to act strategically in advance of negative impacts on a school mean that this will be a possible course of action in future years.

7. Financial implications

- 7.1 School budgets are determined in accordance with criteria set by the government and school funding regulations dictate that at least 80% of the delegated schools block of funding must be allocated through pupil-led factors. This means that schools with falling pupil numbers are likely to see reductions in annual budgets. This situation can be particularly challenging where pupil numbers in year groups fall well below the expected number based on the PAN of a school.
- 7.2 The fall in pupil numbers will result in some schools having lower pupil numbers. Across the City these schools will have lower pupil numbers than their PAN allows. Without a planned reduction in PAN this will be challenging for those schools to plan ahead for staff reductions and set a balanced budget. It is possible that some schools may struggle to be financially viable. Analysis has shown that, currently, the greatest financial pressure within the city's schools is in smaller schools, particularly one form entry schools. This is for a variety of reasons including the lack of economies of scale and low occupancy within year groups, but also because these schools support a higher concentration of SEND and disadvantaged pupils than larger primary schools.

Name of finance officer consulted: Louise Hoten Date consulted: 26/01/22

8. Legal implications

- 8.1 Section 88C of the School Standards and Framework Act 1998 and the School Admissions (Admissions Arrangements and Co-ordination of Admission Arrangements) Regulations 2012 require admission authorities to determine their admission arrangements annually. Arrangements must be determined 18 months in advance of the academic year to which they apply.
- 8.2 Where changes such as a decrease in the PAN are proposed to admission arrangements the admission authority must first publicly consult on those proposed arrangements. The School Admissions Code 2021 states that consultation must be for a minimum of six weeks and must take place between 1 October and 31 January of the school year before those arrangements are to apply. For the academic year 2023/24 the arrangements must therefore be determined by 28 February 2022.

- 8.3 Any body or person who considers that the admission arrangements are unlawful, or not in compliance with the Code or relevant law relating to admissions, can make an objection to the Schools Adjudicator. In particular, paragraph 1.3 of the Code states that “Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection.” Any objections to admission arrangements must be referred to the Schools Adjudicator by 15 May in the determination year i.e, by 15 May 2022 for the purposes of these admission arrangements.
- 8.4 As stated in the body of the report, Admission authorities may propose variations to determined arrangements, such as a reduction to the PAN of a school, to the Schools Adjudicator where they consider such changes necessary in view of a ‘major change of circumstance’. There is no definition of what would constitute a ‘major change in circumstance’ in the legislation or Code. There is therefore no guarantee that the Adjudicator would view a reduction in the number of applicants to a school as a major change in circumstances which would justify a reduction in the PAN. The Authority must consult the governing body of the school before making any such a referral.
- 8.5 The 1998 Act also requires local authorities to establish a relevant area in which admission authorities must consult regarding their admission arrangements. The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999 requires LA’s to consult on these proposals every two years.

Name of lawyer consulted: Serena Kynaston Date consulted: 20/01/2022

9. Equalities implications

- 9.1 As no changes are being proposed an Equality Impact Assessment has not been published. Concerns expressed about the potential impact of the proposals on all people in relation to their ‘protected characteristics’ were raised through the consultation process and have informed the recommendations in this report
- 9.2 It is worth noting that the admission process is ‘blind’, by virtue of applications being considered in line with the published admission arrangements that do not take account of a person’s protected characteristics.
- 9.3 However, the availability of school places across the city could have an impact on certain groups by virtue of their proximity to certain schools and the availability of places should families make a late application.
- 9.4 When determining admission arrangements, the council needs to ensure that there are sufficient school places available within a reasonable distance for families who may contain members who have special educational needs,

disabilities, speak English as an additional language and of various races/ethnicities. This will ensure that if families apply after the deadline date they will not be significantly disadvantaged and face the prospect of a lengthy journey to school.

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

10. Sustainability implications

- 10.1 As detailed in the report there is concern about the implications of these proposals on the area of sustainable travel and transport. As detailed in the report there is potentially a negative impact if the pattern of future applications and in accurate forecasting by the council results in children being unable to attend their local school. Thereby creating more journeys to school than would have been the case.
- 10.2 Accurate forecasting and proportionate changes to PAN will allow local schools to accommodate local children. The council has considered the concerns that have been expressed, there is confidence in the accuracy of the forecasting but no change is being proposed to the PAN of the schools consulted upon.
- 10.3 It is recognised that schools are at the heart of their communities and have a significant role to play for families in supporting their local community. However, in the longer term the reduction in pupil numbers could lead to schools having additional financial pressures which could threaten their long-term viability.

Supporting Documentation

1. Appendices

Appendix 1 - Primary School forecast

Appendix 2 - Published Admission Numbers

Appendix 3 - Admission arrangements and priorities for community primary and secondary schools

Appendix 4 - Coordinated scheme of admissions – primary.

Appendix 5 - Coordinated scheme of admissions – secondary.

Appendix 6 - Preference Numbers 2019-2021