

Brighton & Hove City Council

Children, Young People and Skills Committee

Agenda Item 23

Subject: School Admission Arrangements 2024-25

Date of meeting: 7 November 2022

Report of: Executive Director for Families, Children & Learning

Contact Officer: Name: Richard Barker, Head of School Organisation
Tel: 01273 290732
Email: Richard.Barker@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report details the proposed school admission arrangements for the academic year 2024-25 for the schools in the city where the Council is the admission authority.
- 1.2 When changes are proposed to admission arrangements, all admission authorities must consult on these new arrangements. Where the admission arrangements have not changed from the previous year there is no requirement to consult except where admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period.
- 1.3 The committee will be asked to approve a consultation based on the proposals being suggested. They will then receive a further report in January 2023 seeking the determination of those arrangements for 2024-25.
- 1.4 Local Authorities must also set out schemes for coordinated admissions, including key dates in the admission process and the arrangements for consultation with own admission authority schools in the city and with other local authorities. They also establish the area (the “relevant area”) within which the admission consultation should take place.

2. Recommendations

- 2.1 That the committee agree to make no changes to the council’s admission arrangements (other than the changes listed below) or school catchment areas (where applicable).
- 2.2 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Downs Infant School from 120 to 90 pupils.

- 2.3 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Hertford Infant School from 60 to 30 pupils. As part of an overall approach to securing the future provision of a 'Hertford' education offer, with the vision to create a one form entry, single site, primary school in the future.
- 2.4 That the Committee agree to consult upon a change to the Published Admission Number (PAN) of Hove Junior School (Holland Road site) from 96 to 64 pupils to reflect changes previously made to Hove Infant School (Connaught Road).
- 2.5 That the Committee agree to make no changes to the "relevant area".

3. Context and background information

- 3.1 Admission Authorities are required to determine their admission arrangements annually. Where changes such as a decrease in the PAN are proposed the admission authority must first publicly consult on those proposed arrangements. The [School Admissions Code](#) sets out those groups and individuals who must be consulted. These include 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 such as governing bodies within the relevant area and any adjoining neighbouring local authorities.
- 3.2 Consultation and determination of admission arrangements takes place approximately 18 months in advance of the academic year to which they apply. For the academic year 2024-25 the consultation process must take place between 1 October 2022 and 31 January 2023 and last for a minimum of 6 weeks.
- 3.3 It is proposed to start the consultation on 14 November 2022 and for it to run for nearly 7 weeks concluding on 31 December 2022.
- 3.4 Following the consultation exercise the Council must determine its admission arrangements by 28 February 2023 to conform to the requirements of the School Admissions Code.
- 3.5 A further report will be presented to the Children, Young People & Skills Committee on 9 January 2023 detailing the response to the consultation and making recommendations about the admission arrangements for 2024-25.
- 3.6 The relevant proposed papers for the 2024-25 admission year for the City of Brighton & Hove are attached as appendices to this report.

Admission Priority

- 3.7 There are no proposed changes to the council's admission priorities or catchment areas as detailed in appendix 2.

Published Admission Number

- 3.8 Pupil numbers overall across the city have been falling and are forecast to continue to fall over the next few years.
- 3.9 Schools are funded by the government, not the council. The funding is largely provided 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.
- 3.10 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 (high annual pay awards), energy bills and other goods/services.
- 3.11 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.
- 3.12 The council is not the admissions authority for Academies or Voluntary Aided schools.
- 3.13 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.
- 3.14 In September 2024 pupil numbers are projected to be 2080 leaving 620 places unfilled if there is no change to current PANs.
- 3.15 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.
- 3.16 The School Admissions 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.

- 3.17 The council has strongly urged all large and popular schools to play their part in the city's response and to consider reducing their PANs but accepts that the School Admissions Code (and the difficulty in defending objections to previous-proposals) undermines the likelihood of a successful outcome where schools oppose the reduction. All schools with more than one form of entry have received high level representation from the council impressing upon them the need to consider their role in a 'family of school's' response.
- 3.18 These meetings have taken place with the Executive Director, Assistant Director (Education & Skills) and Councillors meeting with the Headteacher and Chair of Governors to further explore the contribution they can make to address the city issue of growing surplus places. We know that when Headteachers, governors and the council work together with a shared city-wide goal success is more likely.
- 3.19 The council is not able to impose its own proposals upon schools without the potential of a challenge overturning changes after determination. It is not considered an efficient use of public resources to seek to make changes where the considered advice is that there are strong chances of a successful objection that will undermine the council's statutory imperative to ensure an efficient education offer in the city.
- 3.20 The proposals to reduce the PAN at Downs Infant School, Hertford Infant School and Hove Junior School (Holland Road site) have been put forward with the support of each school's governing body.
- 3.21 The Hertford Federation carefully considered the Local Authority's vision to create a one form entry single site primary school in the future. Basing their decision on a need to show leadership in seeking to secure the continuing provision of education that they are rightly proud of, in the face of clear evidence of the continuing downward trend in child population numbers. The concern about the schools' financial viability if nothing is done was a key consideration.

Arrangements for future years

- 3.22 The council is mindful that pupil numbers continue to fall and surplus school places will need to be reduced in future years. In November 2021, the Children, Young People & Skills committee agreed to note that in the next 3-5 years proposals to consult upon a change to the Published Admission Number (PAN) of more schools will be required alongside the possible closure of some primary schools in the city. To best ensure schools are best placed to face this future increasing focus will be placed upon developing more and larger collaborations between schools which it is hoped will provide greater resilience to the challenges that will follow.

- 3.23 In September 2024 pupil numbers are projected to be 2080 leaving 620 places unfilled. If the proposals put forward in this consultation take effect, there will be 560 Year R places unfilled.
- 3.24 In September 2025 pupil numbers are projected to be 1930 leaving 770 places unfilled. If the proposals put forward in this consultation take effect, there will be 710 Year R places unfilled.
- 3.25 The council will receive the first indication of surplus places for September 2026 in December 2022, and this will be reported in the committee paper in January 2023.
- 3.26 The city will have an increasing number of surplus places in future years but the preferred approach going forward is to focus on:
- Discussions with schools of 3 or more forms of entry to reduce in size
 - Working with schools to explore creative approaches to the problem
 - Encouraging schools to work together either through federation or other approaches to find ways they can share costs
 - 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 Voluntary Aided schools.

4. Analysis and consideration of alternative options

- 4.1 The Council could propose to make a change to its current admission arrangements (excluding the PAN of each school) through the consultation process, however, the arrangements are lawful and well-established and no change is currently considered to be required.
- 4.2 The Council could seek to make no change to the PAN of any primary school. Whilst this would help the council to meet a greater level of parental preferences it will provide more uncertainty for schools in their planning and could place more schools at risk of financial difficulty. All the proposals are supported by each school's governing body.
- 4.3 The Council could propose to change the PAN of other primary or infant schools however no other governing body has indicated a willingness to support proposals to reduce their PAN as part of this consultation.
- 4.4 Consideration must be given to the emphasis of the School Admission Code and the recent determinations of the Schools Adjudicator which appear to rule out options involving schools where the impact will be to frustrate parental preference.
- 4.5 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 favor of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection.

5. Community engagement and consultation

- 5.1 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 other schools have indicated a willingness to undertake such a reduction.
- 5.2 If recommended, it is proposed to start the consultation on the reduction of PAN on Monday 14 November 2022 and for it to be concluded on 31 December 2022.
- 5.3 It is proposed that there will be seven engagement events with one meeting a general event to consider the proposals, which will be held online. The remaining events will be focused on specific proposals being consulted upon. These follow the pattern of recent consultation events and will be a mix of online and in-person events.
- 5.4 Presently, it is expected that events will take place at the following times:

Downs Infant School:

Tuesday 22 November – 10:00 – 12:00 online Teams event [Meeting link](#)

Wednesday 23 November – 18:00 – 20:00 in-person event, Downs Infant School

Thursday 24 November – 18:00 – 20:00 online Teams event [Meeting link](#)

Hertford Infant School:

Tuesday 29 November – 10:00 – 12:00 online Teams event [Meeting link](#)

Wednesday 30 November – 18:00 – 20:00 in-person event, Hertford Infant School

Thursday 1 December – 18:00 – 20:00 online Teams event [Meeting link](#)

General event:

Wednesday 7 December – 18:00 – 20:00 online Teams event [Meeting link](#)

- 5.5 A consultation response form will be available on the council's consultation portal and as with last year's consultation, interested parties will be able to leave a message for someone to call them back and take down their response over the telephone.
- 5.6 Attention will be given to engaging sections of the community who may not previously have participated with public consultations such as those with protected characteristics and this is considered within the Equalities Impact Assessment (Appendix 5).

6. Conclusion

- 6.1 It is proposed to make no changes to admission arrangements (other than the ones outlined in the report) and to undertake a public consultation with

the results and final recommendations coming back to this committee in January 2023.

- 6.2 It is proposed that the Published Admission Number for Downs Infant School is reduced from 120 places to 90 places. This will support a reduction in the amount of surplus primary school places available in the city in September 2024.
- 6.3 It is proposed that the Published Admission Number for Hertford Infant School is reduced from 60 places to 30 places. This will support a reduction in the amount of surplus primary school places available in the city in September 2024. It will also help facilitate a move to a single form entry primary school, on one site, in the future.
- 6.4 It is proposed that the Published Admission Number for Hove Junior School (Holland Road site) is reduced from 96 places to 64 places. This will align with the Published Admission Number of the linked infant school and will support a reduction in the number of surplus primary school places available in the city in September 2024.
- 6.5 Once the arrangements for September 2024 are determined it is possible for a variation to be requested of the Schools Adjudicator for other schools should there be a major change in circumstances. Any future decision will be informed by the pattern of parental preference for September 2023, changes of strategic direction by schools in the city and the results of future financial planning.
- 6.6 A further reduction in surplus primary school places is expected to be required in future years. Admission arrangements are determined approximately 18 months before they are implemented. Local Authorities need to manage the school estate efficiently and to reduce surplus capacity to avoid detriment to schools' educational offer or financial position.

7. Financial implications

- 7.1 School funding largely operates on a pupil-led basis and therefore reductions in PANs at the three schools will potentially lead to smaller annual budget allocations for each of these schools. However, this needs to be balanced against the additional certainty and stability that the proposals would provide to these schools as it will mean they are more likely to be able to balance their budgets if operating with full forms of entry.
- 7.2 The support of the governing bodies is important as this indicates the schools will strategically plan their budgets over a multi-year period to reflect the proposed changes to pupil numbers.

Name of finance officer consulted: Steve Williams Date consulted: 15/09/22

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 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. The admission arrangements must be determined by 28 February in the determination year. The arrangements for the admission year 2024/25 must therefore be determined by 28 February 2023.
- 8.3 Community schools and other interested parties have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. The School Admissions Code provides that there is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering such an objection. For this determination year any objections to the arrangements must be referred to the Adjudicator by 15 May 2023.
- 8.4 Once admission arrangements have been determined Admission Authorities may propose variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals must be referred to the Schools Adjudicator for decision following consultation with the governing body of the affected school(s).
- 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

Name of lawyer consulted: Serena Kynaston Date consulted: 26/09/22

9. Equalities implications

- 9.1 An Equality Impact Assessment has been carried out on the proposals being recommended to the committee. The assessment can be found at Appendix 5 and the results have been incorporated into the content of the report.
- 9.2 It is worth noting that the admission process is 'blind', by virtue of applications being considered in line with the published admission arrangements that do not take account of a person's protected characteristics.

- 9.3 However, the availability of school places across the city could have an impact on certain groups due to their proximity to certain schools and the availability of places should families make a late application.
- 9.4 The consultation process needs to take account of:
- young parents who may be less likely to respond to the consultation
 - issues of accessibility and comprehension of the consultation process
 - the materials made available
 - ensuring that the decision-making process after the consultation is based on the content not just quantity of replies.
- 9.5 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.
- 9.6 It is recognised that to foster strong community cohesion school's intake should seek to reflect the city's diversity.

10. Sustainability implications

- 10.1 Wherever possible the council aims to reduce the number of journeys to school undertaken by car. A reduction in the availability of school places across the city could risk a rise in the number of journeys undertaken by car.
- 10.2 Schools are expected to have a School Travel Plan to:
- reduce the number of vehicles on the journey to school
 - improve safety on the journey to school
 - encourage more active and sustainable travel choices
- 10.3 Any change in PAN is expected to require the school's travel plan to be re-written to take account of the change.
- 10.4 Many primary schools are clustered in areas which means that a reduction in places will not mean a significant increase in journeys to other schools. The consultation period will be an opportunity to explore what the potential impacts of these proposed changes will be and the report to committee in January can be expected to detail these in more detail alongside recommendations for changes to be implemented.
- 10.5 Changes to PAN, which lead to a reduction in the number of classes the school has and the classrooms being used can lead to areas of a school being more efficiently managed in relation to energy use at a time of uncertain energy costs for schools.

11. Other Implications

11.1 None

Supporting Documentation

Appendices

1. Published Admission Numbers for Primary and Secondary schools.
2. Admission arrangements and priorities for community primary and secondary schools
3. Coordinated scheme of admissions – primary.
4. Coordinated scheme of admissions – secondary.
5. Equality Impact Assessment