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House of Commons
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Dear Brighton and Hove City Council,

As the Member of Parliament for Brighton Pavilion I am writing with my comments on Brighton and Hove City Council's consultation on admission arrangements, which I hope you will consider as you make your final proposals.

1. Engagement and listening

During the consultation period I heard from around 150 constituents with comments about the proposals.

I also met with Class Divide, a grassroots movement campaigning for changes to admission arrangements, who are passionate about addressing unequal education outcomes.

I also met with a group of constituents at one of my weekly surgeries to discuss their concerns and questions, and separately with representatives from the Parent Support Group.

A member of my constituency staff also attended an engagement session run by the council, and I have also looked through online documents and details.

Early in this period, I also contacted BHCC on several occasions to ask questions reflecting key the concerns, questions, and feedback I was hearing from constituents.

The goals of the proposals, and the information put forward by Class Divide are both very compelling. The analysis of, and passion to address, education inequality within this group is clear to see.

I am also impressed with the work of the Parent Support Group, and with the detailed analysis of the potential practical outcomes of the proposals they have provided.

In listening to individual parents taking part in group meetings, and reading testimony provided on email, I am also struck by the number of these who are concerned about the potential for their children with SEND-related issues to be negatively affected by some of the practical implications of the proposals. I have included some of these individual comments in the appendix to this letter, to help illustrate more personally how these impacts might be felt.

And, as someone with a strong interest in reducing traffic and reducing the high costs of car dependency, the potential transport impacts have very much struck me as needing mitigation, and these of course also bring in equalities impacts related to the cost of travel and unequal levels of car ownership across the city.

2. Comments from secondary schools

I am aware that six secondary schools in the city, including Longhill, have written jointly to Brighton and Hove City Council with some concerns about the proposals.

They recognise that, if the changes are considered more carefully, they have: “the potential to bring about positive outcomes for pupils across the city and strengthen the future of our local authority schools.”

However, they also note in their letter that: “the current proposals could have significant unintended consequences for pupils across the city.”

In addition to the letter from all six secondary schools, I have read the full submissions made by the Dorothy Stringer and Varndean School Governing Bodies in my constituency. These raise some important points, considerations, and concerns that councillors should ensure can be addressed when making a decision on the next steps.

Extracts from these individual school submissions include:

- We ask the Council to update its “Home to School Transport Policy” 12 so all students can travel to school safely, affordably, and sustainably. (Varndean)
- We urge the Council to develop a long-term, city-wide education strategy, aligned with the City Plan 2041. This strategy should be research-driven and developed collaboratively with schools, families, educational experts, and the wider community, ensuring that schools can plan effectively and deliver sustainable, high-quality outcomes for all students. (Varndean)
- We are open to, and welcoming of, widening access to our school community, however we feel that we need time to prepare so that any potential risks can be planned and managed in everyone’s best interests. (Dorothy Stringer)
- We need to see the data on FSM applications this year to assess the impact of the change in admissions criteria already in place, before introducing further changes under the current proposal. (Dorothy Stringer)
- We would need the local authority to provide information on the impact on SEND provision of each proposed option. (Dorothy Stringer)
- We call on the Council to remove Priority 6 from the proposed admission arrangements. This priority, whilst well intended, fails to address the underlying challenges and risks compromising the Council’s efforts to make schools more equitable, exacerbating pressures on already stretched resources, and undermining the well-being and success of vulnerable students. (Varndean)

3. Arrangements for children with special educational needs and disabilities (SEND)

I want to particularly highlight this issue because, since becoming an MP in July, the volume of casework I receive connected to children with SEND who face barriers to education has been very striking and affecting.

This has included multiple children who are not in school because their needs simply cannot be met by the local authority for a range of reasons, and I have also had casework from, and

met in my regular surgeries, a number of constituents navigating the often long and stressful process of accessing an education, health, and care plan (EHCP).

It is painfully clear to me that this is a national crisis. That NHS diagnoses and assessments are not quick to obtain, and that SEND tribunals are taking far too long to be heard. None of these issues are the fault of the council but it means that, within Brighton and Hove, many children transitioning to secondary school in the upcoming school years do not yet have an EHCP but will later benefit from the additional legal protection this provides.

This assumption is backed up by information from the Department for Education, which indicates that 16.9 per cent of pupils receive SEND support in my constituency, higher than both the regional and national average of around 13 per cent. The data also shows that just 3.9 percent of pupils have an EHCP in place – meaning that more than three-quarters of children who receive additional support because of SEND in this area do not have the legal protection in place that an EHCP provides.

This concerns me in relation to the proposed catchment changes because only children with an EHCP can benefit from admission processes outside the current proposals to find the right school for them, and because it is clear that the location of schools can be crucial in maintaining engagement and attendance for SEND pupils, regardless of the quality of the support when they arrive at the school.

I have heard examples via my casework where it is clear from the information provided by medical professionals that a child will not cope with a bus journey. In one case a child in this situation was initially refused an EHCP assessment by the council, meaning they would be expected to travel to school by bus, despite medical professionals making clear this would not be feasible.

It is also worth noting that these barriers to accessing schools will not only be felt by children in areas where they may be assigned a school other than those nearest their home, but it will also mean that the goal of additional choice for children in the current single school catchment areas will not be fully available to this cohort either.

In an October 2024 response to questions I put to the Assistant Director for Families, Children and Learning Services (Education and Skills), I was told that:

“Pupils with an EHCP have a separate school admission process than those without an EHCP. We expect all our mainstream schools to be able to meet the needs of all learners with SEN but without an EHCP (and many of those with EHCPs). Therefore I would want families to be assured of that, any proposals put forward to formal consultation will include an Equality Impact Assessment where consideration will be given to pupils with disabilities. We will also continue to comply with all of our statutory duties in relation to school transport.”

However, after I followed up and asked whether the council could consider any additional support for this cohort, I was advised by the Assistant Director that:

“It is worth noting that the council has very little scope and funding to go beyond statutory requirements.”

I am aware that children with SEND issues without an EHCP do have the right to appeal decisions about school places. However, over the last five years, only eight per cent of cases heard by the SEND Tribunal have been successful for appellants, and the process of appeal is both stressful and time consuming for parents who are already under pressure navigating the broken SEND system.

4. Transport issues

I am disappointed that no additional school transport or targeted bus services are proposed alongside the consulted plans. The geography of Brighton and Hove is such that transport to different parts of the city is not straightforward, can involve navigating traffic congestion and long journey times, and that many journeys already require a change of bus between services using the main radial corridors from and to the city centre.

This is not an easy problem to solve, but I would have expected proposals that involve potentially hundreds of children making longer or more complex journeys to school to have included some mitigation in terms of service provision and traffic planning.

I am also concerned about the cost of travel for families who fall just within the three mile distance limit for free bus passes – something that I know many parents have also raised in their responses to the consultation.

5. Changes in school planning

In Parliament, we are working through the process of passing new legislation that makes welcome changes to the ways in which local authorities can plan for and influence admission numbers and school provision in their areas. This means that new powers to plan and influence admissions across the whole range of schools in an area will soon be available to local authorities.

The provisions of the Children's Wellbeing and Schools Bill, in particular through sections 47-55, include:

- New duties to cooperate on school admissions and place planning that include mainstream, special and alternative provision schools, as well as new powers for local authorities to object to and influence pupil admission numbers (PANs) for academy schools.
- New powers to direct admissions to academy schools.
- Amendments to the ability of local authorities to establish new maintained schools of all kinds.

All this does raise the prospect of a new context for future proposals for catchment areas and place planning in future, which may have a bearing on the current proposals if they were in place, including the idea raised by several people who have contacted me of establishing a new school within the expanded catchment areas to offer more choice of smaller schools within reach of the majority of families in need of additional options, without the difficult transport issues involved.

6. Conclusions and suggestions

In conclusion, I very much appreciate how difficult the issue of school admissions is for the council to grapple with, and applaud the effort being made to deal in detail with issues including falling school rolls, inequality compounded by restrictive school planning policies leading to a lack of choice in some areas, as well as the societal harm resulting from the lack of social mixing resulting from unequal proportions of children with free school meals in different schools. All of this in the context of an acute national SEND crisis.

I recognise the efforts made to consult widely, and I do not want the council's efforts in this area to end. I also fully support the additional priority being given to children with FSM entitlements.

On catchment area changes, I have taken great care to listen to the concerns my constituents have raised throughout the engagement and consultation processes, alongside reviewing data, evidence, and the views of schools in the city.

I am sorry to conclude that some key concerns have yet to be fully answered and addressed, leaving the risk of unintended adverse outcomes in place, and I therefore believe that the catchment area proposals need either significant mitigation or further thought.

The council may wish to consider a course of action which modifies or delays catchment area changes until new powers to include academy schools in PAN planning are in place, and until it has explored further its ability to introduce new maintained schools in the area in locations that might better offer options to parents of children with SEND needs and spread convenient, local, mixed, high quality school provision to all areas of the city.

And I would urge the council, if it proceeds with the catchment area plans unchanged, to make use of new funding to support bus services and sustainable transport in the city to put in place significant mitigations for the cost and travel time implications for children in all parts of the city that could result from these changes.

The council must also find a way to take into account the needs of the cohort of children who are receiving SEND support but do not yet have an EHCP, or I believe this could create poorer outcomes for children and young people in need of additional support, who are a group already significantly disadvantaged in the education system.

Given the wealth of knowledge in the community and voluntary sector, the knowledge that parents themselves hold, and the regrettable levels of (very civil in expression but also keenly felt) conflict that this current debate has led to, I would also suggest setting up in the near future a Citizens Assembly on this issue, whatever your decision is.

This idea, put forward among others by Class Divide, would do a great deal to help inform the use of your new powers, help to bring in further schools outside the maintained sector, and make sure that co-production and consensus are the future watchwords for how these proposals are put together.

My very best wishes,

Siân Berry MP
Green Party, Brighton Pavilion

APPENDIX – extracts from a small selection of SEND case examples received in my office

(redacted to remove personal details where needed)

Example 1

If my son does not get a place at one of our local schools, it will add a tremendous amount of pressure onto him aside from all the general challenges he will face starting at secondary school with SEN. He would be travelling to a school that is outside of his local community, to areas of the city that he is unfamiliar with.

He may end up at a school that very few of his friends also attend which would make things very hard for him due to social communication difficulties that he faces due to his disabilities. Also, there would be a substantial negative impact on mental health caused by all the travelling to/from a school outside of the local catchment and a large increase in tiredness due to an extended school day (versus 20-minute walk to/from a school in our local catchment area).

There is also an important safety aspect to consider regarding a child with SEN having to navigate traffic, buses, crossing roads and interacting with the general public in unfamiliar areas when he currently needs to be escorted to school every day to keep him safe. It would not be feasible for us as parents to support our child attending a school so far away so I envisage that the likely outcome would be a decline in attendance and ultimately aiming to secure an EHCP and a place at a specialist school when he might actually be able to thrive at one of his local mainstream secondary schools with the appropriate support.

Example 2

As a mother of 2 Autistic daughters, I am particularly frightened and worried. If their "plan b" goes ahead they will be expected to navigate busses across the city, sometimes in the dark, aged just 11, for 15 hours one way. It is not feasible. Children with SEND have been utterly disregarded in this engagement exercise, and every time a question around it has come up, the response has been that the Council will only fulfill legal responsibilities for children with EHCPs. Well, we know how hard those are to obtain.

We are currently appealing a decision to even assess our X year old, despite her wide ranging needs and Autism diagnosis. We will appeal, of course, but this takes hours of research, time and skills. We all know that most children who are in receipt of EHCPS are from families that know how to fight this barrier laden process, have researched it and put the hours in.

Many, many children who are in need of EHCPs do not have them. This will broaden the attainment gap significantly and do the exact opposite of what these plans are trying to achieve. These changes in policy run the risk of being disastrous, not just for vulnerable children across the city, but politically too for the Council who puts them in place.

Example 3

My eldest son had Downs Syndrome and has been in mainstream education, the prospect of this proposal increases prejudice further upon him with expectations to travel. My other son

who is 2 years younger also has a real bond in the community with his peer group of friends that would be impacted.

I'm a single parent who lost my wife to cancer 3 years ago. My children have endured enough trauma, I do not want to be putting pressure on them to have 2hr round trip to school on their day. I cannot support them with homework with this proposal. It is the micro impacts the reform does not consider.

I work full time and drop my children at school and have childcare arrangements in place post school. I look at this proposal and the impact of even one child being at one school at one side of the borough and the other elsewhere... then commuting myself to X. I cannot see how I can work and support my children.. even the financial impact is significant

Example 4

I have a daughter X who has a disability and is also dyslexic. She does not have an EHCP in place yet. She will be disproportionately impacted by one of the options set out.

X has chronic migraines. This disability has a large impact on her school life. I need to collect her very quickly from school when a migraine comes on. She needs to lie in a dark room, with medication and neuro modulation, as quickly as possible. Taking this approach helps to reduce the length of the migraines, meaning she can return to school sooner. Even with this strategy in place her attendance is below 80%.

We currently live 300 metres from her primary school. This enables me to quickly collect her when a migraine is coming on. She also frequently gets migraines on the way to school. When this happens I'm able to get her back home quickly so we can treat them.

If option B came into place and she got a place at Longhill her journey time to school would be 1 hour 20 mins on public transport. If she got a migraine whilst at school she would not be well enough to travel that distant back home. She has an 8 out of 10 pain score when she has a migraine and she vomits many times. I can't imagine how this would be managed within school if she was unable to get home.

It is also likely she would frequently miss the school bus (if there was one) due to migraines and have to make the journey on public transport. This would result in her missing considerably more school than she does currently. The long journey time would also be stressful. Stress is a major trigger for migraines. Her migraines are very likely to increase in frequency and severity if she had to travel to Longhill to go to school because of the long journey. I feel particularly upset about this proposed option as our back garden touches the Dorothy Stringer playing field. We live 200 metres from their school gate. If she had a place at that school her migraines would be much easier to manage and her attendance would be higher. Her migraines, combined with being dyslexic put her at great disadvantage compared to able bodied children without SEN.

Example 5

We are especially anxious about the SEND provision and consideration in all this.

Our daughter is currently undergoing assessment, and we're concerned she is in danger of falling through the cracks as she doesn't have an EHCP but will absolutely struggle with travel upheaval and separation from her friendship group and community.

We're in a tricky - but probably not unusual - situation. Our daughter masks well at school and we've been told that she's unlikely to get or indeed even need an EHCP but she definitely struggles with social interaction and disruption.

We've had the first appointment with X and are awaiting the second assessment which will hopefully give her an official diagnosis. As you well know the timescale for this is rather long - 15 months we were told. We hope this will be at some point next year.

Our concern is that because she doesn't require an EHCP at this time, the council has no obligation to consider or even help with her situation and she will fall through the gaps. She will struggle immensely with a long journey to school and separation from her social group will only compound this.

Example 6

I cannot send my children to a school so far away from our home if I'm to continue to work and manage our son's appointments (he has an undiagnosed motor disability which impacts his legs and hands). We have been advised to apply for an EHCP which if we are successful would give us protection. If not, then we have worked out a plan to sell/save in order to move to somewhere else where the balance works, or somehow scrape together the cost of private school. Even if we didn't have his medical needs to consider, it would be untenable for us to consider staying with this option when other parts of the city or other towns would allow us to live closer to a school and station.

For the sake of this community, which is so full of hard-working families, I'm begging you to lend your voice to the council in exploring a more reasonable option.

Example 7

After initially raising concerns when she was in Reception class, our daughter very recently received an autism diagnosis. She is a child who struggles with change; she thrives on routine, familiar faces and places and has always struggled with the transition from home to school.

We are able to walk our daughter to school and often need to stay with her in the school library for 15-20 minutes in order to help ease her into the school day. This is despite having excellent help and support from the SEN team within the school.

Following the autism diagnosis, and a subsequent meeting with the school to reassess our daughter's needs, it was concluded that we should start an EHCP application - not only to help with her last two years at xxx but to ensure she had the smoothest transition possible to secondary education.

We were shocked to learn that despite it being a legal requirement for Brighton & Hove Council to provide SEN support to children that require it, they will automatically deny the majority of initial applications and have gone so far as to contact schools requesting that they

stop submitting applications. This abhorrent behaviour is putting the welfare and education of many of the most vulnerable children across our city at risk.

We are now left in a situation where, should these proposals go through and our EHCP application be denied, we are faced with the prospect that our autistic daughter could be required to travel an hour on a bus in the morning to get to a school. A school that, by all accounts, does not have a great record of nurturing and protecting its SEN students.

I'm sure I do not need to explain to you how this is an untenable position to be in and if this situation arises we will have no choice but to withdraw her from school - something I really want to avoid - but something that will no doubt be replicated by many other families currently going through the same agonising stress that we are.