



## LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL NEEDS AND DISABILITY

**DECISIONS** to be made by the Lead Member for Education and Inclusion, Special Educational Needs and Disability, Councillor Bob Standley

**THURSDAY, 23 MAY 2024 AT 3.30 PM**

**REMOTE MEETING VIA MICROSOFT TEAMS**

### **AGENDA**

1. Decisions made by the Lead Cabinet Member on 9 May 2024 (*Pages 3 - 4*)
2. Disclosures of interests  
Disclosure by all Members present of personal interests in matters on the Agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct
3. Urgent items  
Notification of items which the Lead Member considers to be urgent and propose to take at the end of the appropriate part of the Agenda
4. Burfield Academy and Phoenix Academy (*Pages 5 - 14*)  
Report by the Director of Children's Services
5. Any urgent items previously notified under agenda item 3

PHILIP BAKER  
Assistant Chief Executive  
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LEWES BN7 1UE

15 May 2024

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NOTE: *As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website. The live broadcast is accessible at:*  
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## **LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL NEEDS AND DISABILITY**

DECISIONS made by the Lead Member for Education and Inclusion, Special Educational Needs and Disability, Councillor Bob Standley, on 9 May 2024 at Remote Meeting via Microsoft Teams

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Councillor Kathryn Field spoke on item 4 (see minute 5 )

### 1. DECISIONS MADE BY THE LEAD CABINET MEMBER ON 30 APRIL 2024

1.1 The Lead Member approved as a correct record the minutes of the meeting held on 30 April 2024.

### 2. DISCLOSURES OF INTERESTS

2.1 There were none.

### 3. URGENT ITEMS

3.1 There were none.

### 4. REPORTS

4.1 A copy of the report referred to below is included in the minute book.

### 5. POST-16 TRANSPORT POLICY STATEMENT 2024-2025

5.1 The Lead Member considered a report by the Director of Children's Services regarding the Post-16 Transport Policy Statement 2024-2025.

5.2 Following discussion with Members present, the Lead Member requested an amendment to the aims and objectives section of the Transport Policy Statement as set out in Appendix 3 of the report. Officers agreed to add clarity around available support on offer.

## DECISIONS

5.3 The Lead Member RESOLVED to approve the Post-16 Transport Policy Statement (“the Statement”) for the 2024-25 academic year as set out in Appendix 3 of the report, subject to the amendment detailed at 5.2 above.

## REASONS

5.4 The County Council has carried out its legal duty to consult on the Statement.

5.5 Following consultation, the proposed statement has been updated slightly from the draft statement to reflect further updates to contact details and to make clear that the bus fare concessions, as a result of Bus Service Improvement Plan (BSIP) funds, may change from April 2025.

5.6 Following publication, the County Council may update the Statement to update prices or other information considered necessary.

# Agenda Item 4

|                           |  |
|---------------------------|--|
| <b>Report to:</b>         | <b>Lead Member for Education and Inclusion, Special Educational Needs and Disability</b>   |
| <b>Date:</b>              | <b>23 May 2024</b>   |
| <b>By:</b>                | <b>Director of Children's Services</b>   |
| <b>Title of report:</b>   | <b>Burfield Academy and Phoenix Academy</b>  |
| <b>Purpose of report:</b> | <b>To consider the local authority's response to Step Academy Trust's consultation on a proposal to amalgamate Burfield Academy and Phoenix Academy.</b> |

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## **RECOMMENDATIONS:**

**The Lead Member is recommended to approve the local authority responding to Step Academy Trust's consultation on the amalgamation of Burfield Academy and Phoenix Academy, confirming that it does not object to the proposal.**

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## **1. Background**

1.1 Burfield Academy and Phoenix Academy are both located in Hailsham and are part of Step Academy Trust. Each school has a published admission number (PAN) of 30 and capacity for 210 children from Reception to Year 6. Burfield Academy also has nursery provision for three and four year olds.

1.2 Since September 2023, Burfield Academy has been co-located with Phoenix Academy on its site in Marshfoot Lane, Hailsham. This is to enable extensive remedial works to be carried out to the Burfield Academy building in Oaklands Way, Hailsham. The extensive nature of the works mean that Burfield Academy cannot remain on site while these works are undertaken.

1.3 In January 2024, Step Academy Trust submitted a planning application to the local authority to vary a condition of the original planning permission for the school, to remove all obligations concerning on-site parking provision for drop-off and pick-up (the "kiss and drop") at Burfield Academy, citing health and safety reasons. On 13 March 2024, the local authority's Planning Committee resolved to refuse planning permission to remove the kiss and drop obligations.

1.4 Step Academy Trust issued a press release on the same day as the planning meeting stating that without removal of the condition that the site is "*operationally unsuitable for use as a primary school*". This was despite the possibility of further discussions with planning officers.

1.4 On 29 April 2024, a consultation on the proposed amalgamation of Burfield Academy and Phoenix Academy on the Marshfoot Lane site was launched by Step Academy Trust. The consultation is attached at Appendix 1. The consultation period runs until 24 May 2024.

1.5 As academy schools, the Trust is responsible for proposing this change and consulting with the local community and stakeholders, before applying to the Department for Education for approval. The Department for Education is the decision maker and will consider the response from the local authority before making a final decision. This report seeks Lead Member approval for the local authority's response to Step Academy Trust's proposal.

## **2. School places in Hailsham**

2.1 At the January 2024 school census, Burfield Academy had 150 children on roll from Reception to Year 6 and Phoenix Academy had 93 children on roll. Based on the way classes are currently organised in the two academies, there were 147 surplus places, which equates to 38% of current operational capacity.

Table 1: Pupil numbers at Burfield Academy and Phoenix Academy

| School                | YR | Y1 | Y2 | Y3 | Y4 | Y5 | Y6 | Total |
|-----------------------|----|----|----|----|----|----|----|-------|
| Burfield              | 14 | 21 | 27 | 20 | 17 | 22 | 29 | 150   |
| Phoenix*              | 7  | 17 | -  | 18 | 19 | 10 | 22 | 93    |
| Total                 | 21 | 38 | 27 | 38 | 36 | 32 | 51 | 243   |
| Combined capacity     | 60 | 60 | 30 | 60 | 60 | 60 | 60 | 390   |
| Surplus/shortfall (-) | 39 | 22 | 3  | 22 | 24 | 28 | 9  | 147   |

Source: January 2024 school census

\* Phoenix Academy did not have a Reception year intake in 2021/22 (now Year 2)

2.2 At the same time, there were 1,788 children on roll in the six other schools in Hailsham and surrounding area, with 57 surplus places (3%) based on current organisational capacity.

Table 2: Pupil numbers at the six other schools in Hailsham and surrounding area

| School                | YR  | Y1  | Y2  | Y3  | Y4  | Y5  | Y6  | Total |
|-----------------------|-----|-----|-----|-----|-----|-----|-----|-------|
| Grovelands            | 90  | 90  | 93  | 92  | 92  | 92  | 93  | 642   |
| Hailsham*             | 60  | 59  | 60  | 58  | 55  | -   | -   | 292   |
| Hawkes Farm           | 46  | 60  | 30  | 51  | 59  | 59  | 60  | 365   |
| Hellingly             | 29  | 30  | 29  | 22  | 28  | 31  | 30  | 199   |
| Park Mead             | 12  | 14  | 16  | 13  | 14  | 17  | 15  | 101   |
| White House           | 22  | 29  | 29  | 26  | 25  | 27  | 31  | 189   |
| Total                 | 259 | 282 | 257 | 262 | 273 | 226 | 229 | 1788  |
| Combined capacity     | 285 | 285 | 255 | 285 | 285 | 225 | 225 | 1845  |
| Surplus/shortfall (-) | 26  | 3   | -2  | 23  | 12  | -1  | -4  | 57    |

Source: January 2024 school census

\* Hailsham opened in 2019/20 and is filling from Reception year up

2.3 Overall in Hailsham and surrounding area, there were 204 surplus places, or 9% of current organisational capacity. If measured against the physical capacity of schools in the area, the number of surplus places jumps to 384, or 16% of capacity. Both figures exceed the 5% recommended by the National Audit Office in its report on Capital Funding for new school places, published in 2013.

2.4 The local authority understands from Step Academy Trust that the new amalgamated school on the Marshfoot Lane site would be a one form entry school, with a PAN of 30, with nursery provision. The trust has confirmed that all existing children on roll at Burfield Academy and Phoenix Academy would be offered a place at the new amalgamated school. In the short term, this would require additional temporary capacity, which is already in place on the Marshfoot Lane site, due to the current co-location arrangement. As smaller reception cohorts began to replace existing larger cohorts, the temporary capacity would be removed until the new amalgamated school had capacity for 30 children in each year group and 210 overall.

2.5 Should the proposed amalgamation of Burfield Academy and Phoenix Academy be approved by the Department for Education, there would be a reduction of 210 primary places in Hailsham and surrounding area. Based on predicted reception intakes in the School Organisation Plan 2023 to 2027, the local authority believes there would be sufficient places to meet demand until at least the end of the School

Organisation Plan period and quite possibly to the end of the decade, although numbers in 2025/26 might be tight, as set out in the table below.

Table 3: Forecast reception numbers in Hailsham and surrounding area

| <b>Forecast reception numbers</b>    | <b>2024/25</b> | <b>2025/26</b> | <b>2026/27</b> |
|--------------------------------------|----------------|----------------|----------------|
| Reception numbers across all schools | 295            | 319            | 294            |
| Reduced PAN across all schools       | 315            | 315            | 315            |
| Surplus/shortfall (-)                | 20             | -4             | 21             |

Source: School Organisation Plan 2023 to 2027

2.6 In the medium to long term, it is possible that an upturn in the birth rate, coupled with further housing developments in the local area would start to put pressure on primary school places in Hailsham. In that event, the local authority would look to expand existing provision to create additional capacity. Several school sites in the area lend themselves to further expansion, should that be required in the future.

**3. Conclusion and reasons for recommendations**

3.1 The proposed amalgamation of the two schools, and the subsequent reduction in capacity in the area, would be unlikely to put pressure on school places in the short term. The proposal will mean that instead of two schools with low numbers there will be one school with pupil numbers close to their PAN. This is likely to provide educational benefits to pupils, due to the Trust being able to provide a greater breadth of curriculum, pupil support and extra curricula opportunities.

3.2 The planning issue with regard to the “Kiss and Drop” facility is seen by the local authority as a catalyst for the merger proposal and not a major reason in itself.

3.3 On the basis of the projected pupil numbers in Hailsham and surroundings areas the local authority does not object to the proposed merger.

**CAROLYN FAIR**  
**Director of Children’s Services**

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LOCAL MEMBERS

Councillor Gerard Fox  
 Councillor Steve Murphy

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Angel Oak Academy  
 Applegarth Academy  
 Beddington Park Academy  
 Benedict Academy  
 Breakwater Academy

Burfield Academy  
 David Livingstone Academy  
 La Fontaine Academy  
 Gonville Academy  
 Hawkes Farm Academy

Heathfield Academy  
 High Cliff Academy  
 Park Academy  
 Peacehaven Heights Academy  
 Phoenix Academy

Telscombe Cliffs Academy  
 Tudor Academy  
 Turnham Academy  
 Westbridge Academy  
 White House Academy

Gonville Road  
 Thornton Heath  
 Surrey CR7 6DL

Email: [info@stepacademytrust.org](mailto:info@stepacademytrust.org)  
 Website: [www.stepacademytrust.org](http://www.stepacademytrust.org)

CEO: Mr P Glover  
 CFOO: Mr B March

29<sup>th</sup> April 2024

Dear Parent/Carer, Staff Member or other Stakeholder

## **PROPOSED AMALGAMATION OF PHOENIX ACADEMY AND BURFIELD ACADEMY.**

In January 2023, we wrote to parents/carers and staff of Burfield and Phoenix to share that, due to building issues and the unsafe drop off/ pickup provision at Burfield's Oaklands Way site, pupils and staff would need to relocate to the Phoenix site from September 2023.

In our most recent letter in March 2024, we shared the decision by East Sussex County Council (ESCC) not to approve the planning application submitted by STEP, which sought to resolve the barriers to a return presented by the drop off/pick up arrangements. It has therefore been necessary to investigate a range of options which might enable Burfield to move back to the Oaklands Way site.

Sadly, as explained below, this is simply not possible, and so the only two viable options are for us to either; close Burfield, or amalgamate Burfield and Phoenix. The Trust are therefore proposing the amalgamation of Burfield and Phoenix and as such, we would like to give you the opportunity to share any concerns which you may have.

### Why is this necessary?

Burfield's site in Oaklands Way is operationally unsuitable for use as a primary school.

As explained in the planning application submitted by STEP, the conditions to use the site are unworkable in practice. Worse than that, they pose an unreasonable risk to pupils, parents and staff.

This has been confirmed by an expert health and safety review of the scheme, which identified that:

- *"The design was suitable as a paper based exercise when created however, in practice it is impossible to carry out safely without putting members of staff, parents or children at risk."*
- *"The systems included within the plan do not in practice offer a safe solution for the drop off and collection of primary aged children."*
- *"Even with modification of the school site, access via the highway is regularly encumbered by parked vehicles, creating a bottleneck at the school gate, which puts cars, pupils and residents at risk."*
- *"There are no safe options for a safe on-site drop-off and collection process and STEP Academy Trust should work with East Sussex County Council to formally restrict access to the school premises, encouraging parents to park in surrounding residential roads."*

Clearly, STEP cannot, in good conscious and with the safety of pupils, parents and the public paramount, return to the site at Oaklands Way.

### What options have been considered?

STEP has not rushed to the conclusion that Burfield and Phoenix should be amalgamated. This circumstance has arisen through situations entirely outside the control of STEP – the Trust inherited the site and had no part in any design specification for the building or indeed the ‘kiss and drop’ function. It was planned that Burfield would return to the site, however, as stated that is simply not possible.

Therefore, STEP has considered the following options:

|   | <b>Option</b>   | <b>Details</b>  |
|---|---|---|
| 1 | Relocate Burfield to an alternative site.   | ESCC have confirmed that there are no plans at this stage to construct any further primary schools in Hailsham.   |
| 2 | Continue to operate the two academies separately, at the Marshfoot Lane Site.   | Co-location is a short-term solution. The two schools share facilities such as catering, hall, external play space and therefore a permanent separation is not possible.  |
| 3 | Amalgamation of Burfield with another Hailsham school   | There are no other sites within Hailsham in which all Burfield pupils could physically be accommodated.   |
| 4 | Closure of Burfield Academy, with current pupil re-distributed to vacant school places across other Hailsham schools. | STEP are not in favour of this option, as it would result in significant disruption for families, including the possibilities of siblings attending different schools. ESCC have also advised that this option is not a viable option for September 2024. |
| 5 | Amalgamation of Burfield with Phoenix   | This is the least disruptive option available, as all existing pupils can be accommodated within a single school.   |

### What are the next steps?

It is fully appreciated that this news may naturally raise some concerns. Indeed, we are aware that some in the community may feel the works to the building were a ruse to move Burfield Academy. I can assure you that this is not the case.

We have endeavoured to respond to this latest challenge in the same way as we responded to the initial concerns around Burfield’s building, with children’s best interests at the heart. We are therefore confident that an amalgamation of Burfield and Phoenix is the best solution available.

It is important that you have an opportunity to share your concerns, and to that end we would like to invite you to complete the attached questionnaire and also attend an open meeting at Phoenix Academy on:

- **The parents/carers of Burfield pupils/ prospective pupils: 8<sup>th</sup> May at 4:30pm.**
- **The parents/carers of Phoenix pupils/ prospective pupils: 9<sup>th</sup> May at 4:30pm.**

In addition, attached to this letter are answers to some questions that we anticipate parents, carers and staff may have.

Yours sincerely



Dr Timothy Mills  
Executive Director of Primary Education

## **Answers to Anticipated Questions**

### **What does this mean if my child already attends Burfield or Phoenix?**

There is sufficient space within the site at Marshfoot Lane to accommodate all the pupils from both academies. All existing pupils will be offered a place at the new amalgamated academy.

### **We have applied for a school place for Burfield or Phoenix for September 2024. What will happen to my admission?**

All prospective pupils who have been offered a place at Burfield Academy or Phoenix Academy will be offered a place at the amalgamated academy.

### **Will all existing Burfield and Phoenix classes be mixed?**

The new intake for year R in September 2024 will be admitted to the newly amalgamated academy, so applicants who originally applied for Burfield or Phoenix will form a single class from the outset.

Where there is a rationale for combining classes in the same year group, this will be considered by the Leadership Team. All pupils will have the opportunity to get to know their class for September 2024 during the Summer Term.

### **What about the nursery?**

A nursery provision will continue to be offered.

### **What does this mean for staff at Burfield or Phoenix?**

This change will not result in any redundancies.

### **Will there be a change to the uniform?**

To ensure all pupils are treated fairly, the Trust will fund two jumpers and a book bag for pupils in readiness for September 2024.

### **Will access to the free breakfast club remain in place for qualifying Burfield pupils?**

Free breakfast club places were offered to qualifying Burfield pupils by Kier whilst they were displaced from the Oaklands Way site during the construction works. This will cease when the academies are amalgamated from September 2024, however we will maintain staffing levels to ensure that we can continue to meet the current demand for spaces.

### **Is there an option for children to attend a different school?**

We are confident that the newly amalgamated academy will continue to deliver an excellent standard of education. However, parents/carers have the freedom to apply to move their child at any time, to any school where there is a place available. Full details regarding this process can be found on the [ESCC website](#).

### **Will there be any changes to the admissions criteria as a result of this change?**

The oversubscription criteria for the newly amalgamated academy will mirror the current [Burfield policy](#). These criteria are identical to Phoenix, other than the inclusion of an additional criteria relating to children who attend the nursery and are also eligible for Early Years Pupil Premium funding.

## How can we provide input into this process?

We appreciate that you may have specific questions/ concerns around how an amalgamation might work in practice and are therefore commencing a four-week period of consultation, to gain an understanding of what your concerns may be.

Please complete the questionnaire and return to:

- By hand: To the school office.
- By email to: [questions@stepacademytrust.org](mailto:questions@stepacademytrust.org)
- By post to: Burfield or Phoenix Academy, Marshfoot Lane, Hailsham, BN27 2PH

Hard copies of this letter and the enclosed Consultation Questionnaire can be requested from the school office.

We will also hold open events for each academy (please see dates below).

Only feedback received by 12 noon on Friday 24<sup>th</sup> May will be taken into account.

## What will happen after consultation period?

Whilst the only alternative to the amalgamation is the unpalatable full closure of Burfield Academy, it is important that both we and the Department for Education understand how this change will be perceived by stakeholders.

When applying to the Department for Education to amalgamate Burfield and Phoenix, we will therefore share data around whether stakeholders are supportive of the merger.

The DfE will carefully consider the circumstances and then make the final decision about whether the academies can amalgamate ready for September.

## Key Dates

| Date                        | Action   |
|-----------------------------|--|
| 29th April 2024             | Consultation period begins.  |
| 8th May 2024 at 4:30pm      | Consultation evening for the parents/carers of Burfield pupils/ prospective pupils. To be held at Phoenix Academy in Marshfoot Lane. |
| 9th May 2024 at 4:30pm      | Consultation evening for the parents/carers of Phoenix pupils/ prospective pupils. To be held at Phoenix Academy in Marshfoot Lane.  |
| 24th May 2024 at 12:00 noon | Consultation period ends.  |
| WB 27th May 2024            | Analysis of responses received during the consultation.  |
| WB 3rd June 2024            | Final recommendation from STEP Trustees communicated to Department for Education.<br><br>Recommendation shared with community        |
| End of June 2024            | Decision from Department for Education.<br><br>Final outcome shared with community.  |
| 1st September 2024          | New amalgamated school opens.  |

## Consultation Questionnaire

### Proposal

Burfield Academy and Phoenix Academy will amalgamate with effect from 1<sup>st</sup> September 2024. The amalgamated academy will be located at the Marshfoot Lane address.

Please tell us in what capacity you are responding by ticking just one box:

|   | <b>Please tick ✓</b> |
|---|----------------------|
| Parent/carer of a child currently attending Burfield Academy                                |                      |
| Parent/carer of a child currently attending Phoenix Academy                                 |                      |
| Parent/carer of a child who has been offered a place at Burfield Academy for September 2024 |                      |
| Parent/carer of a child who has been offered a place at Phoenix Academy for September 2024  |                      |
| STEP employee based at Burfield Academy   |                      |
| STEP employee based at Phoenix Academy  |                      |
| Other (please state)  |                      |

Do you agree with the proposal?

|                            | <b>Please tick ✓</b> |
|----------------------------|----------------------|
| Agree                      |                      |
| Neither agree nor disagree |                      |
| Disagree                   |                      |

Do you have any specific questions or concerns around how the amalgamation will work in practice?

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