

Preliminary Consultation Responses to the Proposal to Change the Age Range of Everton Lower School from 3 - 9 years of age (Lower School) to 3 - 11 years of age (Primary School)

Report of Cllr Steven Dixon, Executive Member for Education and Skills
(steven.dixon@centralbedfordshire.gov.uk)

Advising Officers:

Sue Harrison, Director of Children's Services
(sue.harrison@centralbedfordshire.gov.uk)

Helen Redding, Assistant Director, School Improvement, Children's Services
(helen.redding@centralbedfordshire.gov.uk)

This report relates to a Key Decision

Purpose of this report

1. To report back to Executive the responses to the preliminary consultation of the proposal to change the age range of Everton Lower School, Sandy.
2. To seek Executive approval to commence stage 2, publication of the statutory notice.
3. If approved the proposed change of age range would be implemented from September 2017.
4. The school referred to in this report serves the Ward of Potton.

RECOMMENDATIONS

The Executive is asked to:

1. **approve commencement of stage 2 of the consultation process, to publish statutory notice, for the proposal to change the age range of Everton Lower School from 3 – 9 years to 3 – 11 years from September 2017;**

- | |
|--|
| <ol style="list-style-type: none">2. delegate approval to the Executive Member for Education and Skills, in consultation with the Director of Children's Services to determine the proposal if the responses to the statutory notice are favourable; and3. determine the proposal following the representation period of the statutory notice at Executive on the 4 April 2017 if there are any new objections. |
|--|

Overview and Scrutiny Comments/Recommendations

5. The original report was presented to Children's Services Overview and Scrutiny Committee at its meeting on the 6 September 2016 and the Committee was asked to indicate its support for the recommendations set out within the report. The Committee recommended:
 - Detailed information on school options for pupils be provided to parents in the Everton locality. Parent information and advice on school options be detailed on the School's Admissions web pages.
 - That officers facilitate and coordinate the proposed changes in age range and undertake to mitigate any repercussions to neighbouring schools in the vicinity where possible.
 - That subject to the above, the Committee support the proposal to extend the age range at Everton Lower School.

Background

6. At the Executive meeting on the 11 October the committee approved the launch of the preliminary consultation for the proposed change of age range at Everton Lower School.
7. The preliminary consultation was launched on the 12 October for a period of 5 weeks. The preliminary consultation concluded on the 16 November 2016.
8. An initial proposal from the Governing Body of Everton Lower School to become a 3 - 11 Primary school from September 2017 was received and acknowledged by the Council in March 2016.
9. Prior to April 2016 as a consequence of changes introduced by the 2013 Regulations and Statutory Guidance, Governing Bodies were able to propose a range of age changes to their schools without following a formal statutory process.

10. The guidance was revised and updated again by the Department of Education (DfE) in April 2016. The revised guidance can be viewed at:

<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
11. The new guidance states that local authorities can propose:
 - a change of age range of up to 2 years (except for adding or removing a sixth-form) for voluntary and foundation schools by following the non-statutory process
 - a change of age range of 1 year or more for community schools (including the adding or removal of sixth-form or nursery provision) and community special schools or alter the upper age limit of a foundation or voluntary school to add sixth-form provision by following the statutory process.
12. The process for making changes to Everton Lower School, which is a community school, including the statutory process involves:-
 - I. Pre publication consultation
 - II. Publication of statutory notice
 - III. Representation period / formal consultation
 - IV. Decision
 - V. Implementation
13. Whilst the revised guidance removed the power of governing bodies to propose and determine a change of age range of up to 2 years at community schools, it maintained that governing bodies of foundation and voluntary schools can propose:-
 - age range change of up to 2 years (except for adding or removing a sixth-form) by following the non-statutory process.

Proposal

14. The governors at Everton Lower School have expressed a desire to change the school's age range to enable it to be a primary school from September 2017.
15. Separately, but in line with the new guidance the Council were informed by the Governing Bodies of the following schools in the Sandy planning area that there was a desire to change their age range.
 - Robert Peel Lower School
 - St Swithun's VC Lower School
 - Moggerhanger Lower School
 - Sandy Upper School
 - John Donne C of E VA Lower School

16. The above schools launched their consultations between the 12 and 13 October 2016. The closing date for their consultations is 23 November 2016.
17. Robert Peel Lower School and Moggerhanger Lower School are foundation schools. St Swithun's is a voluntary controlled school. John Donne is a voluntary aided school. Unlike Everton Lower School, which is a community school Governing Bodies of foundation and voluntary schools can propose an age range change of up to 2 years (except for adding or removing a sixth-form) by following the non-statutory process.
18. If the consultations for the above schools are favourable it is likely that Robert Peel Lower School, St Swithun's VC Lower School, Moggerhanger Lower School and John Donne C of E VA Lower School will change age range and become primary schools from September 2017.
19. The Governing Body of Sandy Upper would need to further consult on their admission arrangements for 2018 (6 weeks between 1 October 2016 and 31 January 2017). They would need to identify the point(s) of entry, the admission number for this and any changes to their oversubscription criteria.
20. Everton Lower School was judged by Ofsted to be an outstanding school in October 2011. The school have a planned admission number (PAN) of 10 pupils and the school have no plans to change the PAN. If both stages of the consultation are favourable and the proposal is approved, the school would have pupils continuing in to year 5 and year 6.

Consultation responses

21. Following the recommendation from Overview and Scrutiny on the 6 September 2016 and inline with the DfE guidance, the information and preliminary consultation questionnaire was shared with:-
 - Parents/carers of Everton Lower School
 - Governing body of Everton Lower School
 - All schools & academies in Central Bedfordshire.
 - All Central Bedfordshire ward members
 - Local residents through a local press release
22. Officers have ensured that the proposals have been disseminated to a wide audience, including all schools in and near the areas of the proposal. The statutory notice will further consult with concerned parties.

23. Everton Lower School facilitated a public drop in session on the 2 November 2016 at the school. The governing body and representatives from Central Bedfordshire Council presented the information and advice to parents and interested parties. A FAQ was produced by the school (Appendix A). The drop in was well attended by parents, governor, head teachers of neighbouring schools, teachers and interested parties. The notes of the meeting are attached in Appendix B.
24. Information for the preliminary consultation was also placed on the schools web page at: - <http://www.evertonlowerschool.org.uk/>. If Executive approves to proceed to the statutory notice, further information will be placed on Central Bedfordshire Councils web page. Appendix C is a copy of the questionnaire, Appendix D is a copy of the information on all the school proposals in the Sandy area.
25. The preliminary consultation closed on the 16 November 2016. A total of 28 responses were received. The vast majority of responses were in favour of the proposal. 1 objection was received to the proposal.
26. The responses received were from the following groups:-

Parents/carers	13
School employees	6
School governors	2
Local residents	2
Parish Council	1
Others	4
27. Over 96% of all respondents were in favour of the proposal. A summary of the comments received is attached in Appendix E. The 1 objection was received from a local resident with concerns on the highway. This is addressed in Appendix E.
28. Everton Parish Council agreed with the proposed changes. Additional comments from the Parish Council were made including impact on other local schools, transport arrangements and concerns about the mixed class arrangements. This is addressed in Appendix E.

Reason/s for decision

29. The recommended consultation on the proposal to change the age range at Everton Lower School is to ensure the Council continues to meet its statutory obligation ensuring there are adequate school places and also to meet the legal requirements placed on the Council by the Education and Inspections Act 2006.

30. The preliminary consultation was for 5 weeks and the outcome of the consultation is reported back to Executive on the 6 December 2016. If Executive approves the recommendation, a statutory notice will be issued for the proposal. The representation period will be from 4 January to 1 February 2017. This represents the start of the formal consultation.
31. If during the representation period no new objections are received then it is proposed that determination is delegated to the Executive Member for Education and Skills, in consultation with the Director of Children's Services. If new objections are received to the statutory notice, a final decision on the proposal would need to go to Executive on the 4 April 2017 for determination.

Council Priorities

32. The proposal supports the following Council priority:
 - Improving Education and Skills

Legal Implications

33. The main legislation governing school organisation is found in sections 7-32 of the Education and Inspections Act 2006, The School Organisation (Establishment and Discontinuance of Schools) (England Regulations 2013 and the School Organisation (Prescribed Alterations to Mainstream Schools) (England) Regulations 2013.
34. DfE regulations and guidance outline the requirements and process for proposals to change age range at Council maintained schools and these include full public consultation, the publication of statutory proposals and the decision making process. The Council is the decision maker for proposals relating to maintained schools, which are set out in this report.
35. The Executive Member for Education and Skills is authorised, under delegated authority, to exercise the council's duty to determine proposals to alter the upper and lower age range of pupils in schools. As decision maker the Council must be satisfied that the proposals have followed due process and must also have regards to statutory guidance.
36. As decision maker for the statutory proposal reflected in this report the Executive Member for Education and Skills must determine whether to:-
 - Reject the proposal
 - Approve the proposal
 - Approve the proposal with a modification (e.g. the implementation date)
 - Approve the proposal subject to them meeting a certain condition

37. In any case the proposal must be determined within 2 months of the close of the determination period, otherwise the proposal will be referred to the schools adjudicator.

Financial and Risk Implications

38. There are no capital implications for the Council arising as a result of the proposals set out in this report. The school have undertaken to reconfigure the existing space in the school building to enable there to be adequate class bases for the proposal.
39. The day to day running costs of the school are met through revenue funding which is made available to each school as part of the dedicated schools grant, calculated on a per pupil basis. Nationally, School and Academy revenue budgets are set in line with the School and Early Years Finance Regulations 2013 which uses October school census data of pupil numbers accommodated at that moment in time to calculate the budget for the following financial year, for Council maintained schools, and the following academic year for Academies.
40. If the proposal is determined in favour of the change of age range, the school are likely to require additional teaching staff. The school have shown prudent financial management which was reported at the last audit. The school will recruit and advertise for a new class teacher.
41. There will be a lag in funding provision to the school if the proposal is implemented in September 2017. This funding 'lag' can have a significant impact on those schools and academies that are implementing changes in age range and retaining or admitting pupils into new year groups in the following September without the corresponding revenue funding that should ordinarily follow the child which only begins to flow into the schools budget in the following April, or September in the case of Academies.
42. Funding will not be due to the school until 2018/19. Everton Lower School will need to consider the financial viability of its proposals as a result of the inevitable shortfall in revenue during the transition period. The Governing Body has confirmed that they would seek a licensed deficit at the time, if required.

Equalities Implications

43. The consultation and decision making process set out in regulation for proposals to maintained schools requires an evaluation on a project by project basis of any equalities and human rights issues that might arise.

44. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
45. This statutory duty includes requirements to:
- Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
46. The proposed change of age range at Everton Lower School is not envisaged to have an adverse impact on any of the listed groups below:-

a) Sex	N/A
b) Gender Reassignment	N/A
c) Age	Primary aged pupils will have access to sufficient school places
d) Disability	N/A
e) Race & Ethnicity	N/A
f) Sexual Orientation	N/A
g) Religion or Belief (or No Belief)	N/A
h) Pregnancy & Maternity	N/A
i) Human Rights (Please see articles in toolkit)	N/A
j) Other Groups (rural isolation etc)	This is a rural designated school which provides school places in a village.

Risk Management

47. The proposal set out in this report has been developed and evaluated against the key criteria for decision makers that are outlined in guidance. Likewise the proposal has followed the procedures set out in regulation. This mitigates the risk on the Council of failing to comply with the relevant statutory requirements.

48. The key risks mitigated by the process that has been followed include:
- a) Failure to discharge legal and statutory duties/guidance.
 - b) Failure to deliver the Council's strategic priorities.
 - c) Reputational risks associated with the non delivery of required school places.

Financial risks, no capital investment from the council and all consequential additional running costs will be borne by the school.

49. If approved, the Governing Body of Everton Lower School will develop and implement change management plans that will include risk assessment and management criteria to ensure the effective delivery of the objectives set out in the proposal document.

Conclusion and next Steps

50. The recommendation is for the Executive to note the favourable responses from the majority of respondents (over 96%) to the preliminary consultation and approve the proposal to the next stage and progress with the statutory notice for the change of age range at Everton Lower School from 2017.
51. To progress to the next stage with the recommendations stated at the Children's Services Overview and Scrutiny on the 6 September 2016.
52. A detailed programme for the representation period has been developed with the school which will seek maximum stakeholder feedback. This will enable an informed decision to be made by the Executive to approve or not the proposal to change the age range at the school.

Appendices

The following Appendix's are attached:-

Appendix A: FAQs - produced by Everton Lower School

Appendix B: Notes of the Everton drop in session 2 November 2016

Appendix C: Copy of the questionnaire

Appendix D: Copy of the information sheet: Fact Sheet

Appendix E: Summary of the comments received to the preliminary consultation