Appendix 1

Central Bedfordshire Council

EXECUTIVE **6 February 2018**

Proposed Change of Age Range for Southill Lower School, Southill, Bedfordshire from 4-9 to 2-9 years of age

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This report relates to a non-key decision

Purpose of this report

1. To seek Executive approval to commence a statutory consultation required for the proposal to change the age range of Southill Lower School to enable the school to open a new a pre-school provision.

2. If approved the proposal would be implemented from September 2018.

3. The school referred to within the report serves the Ward of Northill.

RECOMMENDATIONS

The Executive is asked to:

1. **approve the statutory process for the proposal to change the age range of Southill Lower School from 4–9 years to 2-9 namely:**

   i. **Approve publication of the statutory notice**
   ii. **Commence formal consultation of at least four weeks**
   iii. **Approve that determination for the proposed change be made by the Executive Member for Education and Skills, if responses to the formal consultation are favourable. If responses to the formal consultation are not favourable determination to be made by the Executive.**

Children's Services Overview and Scrutiny

4. This report was presented to Children's Services Overview and Scrutiny Committee at its meeting on the 16 January 2018 and the Committee was asked to indicate its support for the recommendations set out within the report. The views of the Committee will be reported verbally at Executive.

Background

5. A lack of finances led to the closure of the village pre-school, that had operated out of Southill Village Hall, which has left the village without a functioning pre-school.

6. The Council was first approached by the Governing Body of the Shelton and Southill School Federation in May 2017 regarding a proposal to change the age range of both Southill Lower and Shelton Lower in order to establish a pre-school at each school. The proposal was for the schools to operate and manage their pre-schools whilst continuing to fulfil the statutory education obligations of both nursery and lower phases.

7. Prior to April 2016 governing bodies were able to propose, consult upon and then determine a change of age range for their school without the local authority's approval. A number of Central Bedfordshire schools took the opportunity to change their age range via this means (prior to the 8 April).

8. The Department for Education (DfE) published revised guidance on 8 April 2016 which removed the ability for governing bodies of maintained community schools to propose, consult and determine a change of age range for their school without the local authority's approval.

9. Shelton Lower School is a Foundation School and the revised guidance published on 8 April 2016 still allowed Foundation schools to propose and determine a change of age range of up to two years without asking for permission from either the DfE or the Council's Executive. The Governing Body of the Shelton and Southill School Federation were therefore able to consult upon and determine a change of age range, from 3-9 years to 2-9 years, for Shelton Lower School. Following a positive response to the consultation, which ran from 14 June to 12 July 2017, the change was agreed by the Governing Body and came into effect at Shelton Lower School, Marston Moretaine in September 2017.

10. The revised guidance requires the Council to undertake a statutory process for a proposed change of age range for Southill Lower, which is a community school, with the following pre-requirement – *… there is*

no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties, in developing their proposal prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations. The Council therefore advises all schools to carry out a preliminary consultation in order to gauge the level of support for their proposal before submitting it for consideration.

Preliminary consultation responses

11. Southill Lower School (see map appendix A) submitted a draft letter to be used for the initial preliminary consultation to the Council in June 2017. Suggested amendments to the letter were supplied to the school.

12. Southill Lower School launched their preliminary consultation on 14 June 2017. A range of stakeholders (as per DfE guidance) including Members and Officers of Central Bedfordshire Council and all Central Bedfordshire schools were advised of and also invited to respond to the consultation. The preliminary consultation ran for 4 weeks until 12 July 2017.

13. The consultation document included the following reasons for the change of age range –

- Fully integrated provision with opportunities for pre-school children to utilise the school facilities such as the playing field, the Environmental garden, library and the hall.
- One team of qualified staff working closely together across the age range throughout the day providing the appropriate age-range Early Years curriculum.
- The children will have access to early support and interventions, with the opportunity of improving standards using support from within the whole school setting which will result in greater continuity of care.
- Some opportunity to link in with the school breakfast and after school clubs.
- A reduction of transfer points from school to school in our children's learning journey in line with Central Bedfordshire Council's ambition "to achieve a single phase of education 0-19 and reduce school transfer points".

14. A total of 17 responses to the preliminary consultation were received by the school, with only one voicing an objection to the proposal.

Reasons for decision

15. The Council's Early Years Team has confirmed that Southill continues to need its own pre-school provision and being part of the school would make it sustainable for the future.

16. Without the school taking on the pre-school, the village would continue to be without an early year's facility.

17. The new provision, which would provide a maximum of 15 places in each session, would have little impact on providers in neighbouring villages, which all operate at almost full capacity.

18. The proposal does not remove the requirement for parents to apply for a Reception place and as such, it does not remove the transition point of nursery to lower. However, for those children who apply and are successful in achieving a Reception place at Southill, it improves the child's learning journey, in line with Central Bedfordshire Council's ambition to "reduce school transfer points". This should have a positive impact on educational standards and allow a more seamless transition from the nursery unit to school.

19. Subject to a favourable response to the statutory consultation the Governing Body propose to open the new pre-school provision in September 2018.

Council Priorities

20. The proposal supports the following Council priority:

- Improving Education and Skills.

Legal Implications

21. The Childcare Act 2006 places duties on English local authorities, as far as reasonably practical, to secure sufficient childcare for working parents (Section 6) and early years provision (Section 7, a substituted by section 1 of the Education Act 2011).

22. The main legislation governing school organisation is found in sections 6A-32 of the Education and Inspections Act 2006, The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

23. Department for Education Guidance for proposers and decision makers regarding school organisation in maintained schools was published in

January 2014 to support the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

24. This guidance can be viewed at: https://www.gov.uk/government/publications/school-organisation-maintained-schools

25. The DfE revised guidance published on 8 April 2016 removes the ability for governing bodies of Community schools to propose, consult and determine a change of age range for their school without the local authority's approval.

Financial Implications

26. There are no financial implications for the Council arising out of a decision to support the commencement of consultations as outlined in this report. If the responses to the consultation are favourable and the Council's Executive Member for Education and Skills, or Full Executive, determine the proposal to a change of age range at the school there will be financially implications for the school and the governing body.

27. Only minor alterations to the school building will be required. Age appropriate furniture and resources will be purchased. These will all be funded by the school.

28. The day to day running costs of early years and childcare provision will be met through revenue funding which is made available to each setting as part of the Dedicated Schools Grant and Central Bedfordshire's Nursery Education funding.

29. A greater number of children on roll will result in a stronger financial base for the school.

Equalities Implications

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

31. Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and to foster good relations in respect of the following protected characteristics: age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

32. This statutory duty includes requirements to:

i. Remove or minimise disadvantages suffered by people due to their protected characteristics.
ii. Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
iii. Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

33. As commissioner of pre school and nursery provision that will be provided through the proposals set out in this report the Council has considered that there are no specific discrimination issues that arise from the change being proposed and will have a positive impact in terms of help to advance equality of opportunity.

Risk Management

34. The proposal to change the age range of Southill Lower school set out in this report mitigates the risk on the Council of failing in its statutory duty to secure sufficient childcare for working parents and early years provision.

35. Key risks include:

- Failure to discharge legal and statutory duties/guidance.
- Failure to deliver the Council's strategic priorities
- Reputational risks associated with the non-delivery of required childcare and early years places.

Appendices

The following appendices are attached:

Appendix A – Map showing the location of Southill Lower School