

Central Bedfordshire Council

Delegated Decision
by the Executive Member for Education and Skills

21 March 2017

Determination of 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)

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This report relates to a key decision

Purpose of this report

1. To report back to the Executive Member for Education and Skills the responses to Stage 2 following the publication of the statutory notice.
2. To approve the change of age range at Everton Lower School following a generally positive response to the consultation.
3. To determine the implementation date for the change of age range for September 2017.

RECOMMENDATIONS

The Executive Member for Education and Skills, in consultation with the Director of Children's Services, to approve the statutory proposal to change the age range at Everton Lower School with an implementation date of September 2017.

Overview and Scrutiny Comments/Recommendations

4. 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.

5. The Committee recommended: -
- detailed information on school options for pupils is 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; and
 - that subject to the above, the Committee support the proposal to extend the age range at Everton Lower School.
6. Following recommendations from the committee, detailed information was shared with the school on the options available for pupils. This information was also made available on the Council's Admissions pages. A letter was sent to the school to distribute to all Year 4 parents providing information on the options available to parents. Where possible the Council has co-ordinated the changes to minimise the impact on schools and parents.

Background

7. Everton Lower School is a designated small rural school in the Sandy planning area. It is the only lower school in the village, which is situated to the north of Biggleswade and north east of the town of Sandy. (Appendix 1 - map of local area). The school governors have expressed a desire to change its age range to enable it to be a primary school from September 2017.
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. The process for making changes to Everton Lower School, which is a community school, was changed by the DfE in April 2016. Prior to April governing bodies were able to propose age range changes without a formal statutory process. Following the revision in April 2016 the new guidance states that community schools require a statutory process which involves:-
- I. Pre publication consultation
 - II. Publication of statutory notice
 - III. Representation period / formal consultation
 - IV. Decision
 - V. Implementation

10. The revised guidance can be viewed at:

<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
11. 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 an age range change of up to 2 years (except for adding or removing a sixth-form) by following the non-statutory process.
12. At the Executive meeting on the 11 October Members approved the launch of the preliminary consultation for the proposed change of age range at Everton Lower School.
13. The preliminary consultation was launched on the 12 October for a period of 5 weeks. The preliminary consultation concluded on the 16 November 2016.
14. A total of 28 responses were received from the consultation and this was reported to Executive on the 6 December 2016. The vast majority of responses were in favour of the proposal. 1 objection was received to the proposal on the capacity of the school and highways. These have been addressed by the school in their frequently asked questions.
15. On the 6 December 2016 Executive approved to commence with stage 2, publication of the formal consultation and a statutory notice. This report forms the results of the stage 2 formal consultation and seeks the delegated authority for the Executive Member to approve the proposal as approved at Executive on the 6 December 2016.
16. The DfE guidance for decision makers of school organisation proposals contains a number of key factors to be considered along with the views submitted throughout the consultation process, including all objections to and comments on the proposals. The guidance is clear that these factors should not be taken to be exhaustive and all proposals should be considered on their individual merits.
17. 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 and they were seeking to launch a consultation in the autumn school term 2016:-
 - Robert Peel Lower School
 - St Swithun's VC School
 - Moggerhanger Lower School
 - John Donne Lower School
 - Sandy Upper School

18. Robert Peel Lower School and Moggerhanger Lower School are foundation schools. St Swithun's is a voluntary controlled school. John Donne Lower School 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.
19. Robert Peel Lower School, Moggerhanger Lower School, St Swithun's Lower School, John Donne Lower School and Sandy Upper School carried out a consultation between the 12 October and 23 November 2016 to propose a change its age range.
20. The outcome of the consultations for 4 of the 5 schools was that the respective governing bodies all agreed to proceed with an age range change with an implementation date of September 2017. Moggerhanger Lower School deferred implementation to September 2018.
21. The Sandy school planning area also consists of the following schools and these schools have not consulted on a age range change:-
 - Potton Lower School (foundation school)
 - Sutton Lower School (voluntary aided)
 - Wrestlingworth Lower School (voluntary controlled)
 - Potton Middle School (community school)
 - Sandye Place Middle School (academy)
 - Laburnam Lower School (foundation school)
 - Maple Tree Lower School (foundation school)

Consultation responses

22. Everton Lower School received 45 responses to the statutory notice. (Appendix 2). Nearly 90% of all respondees supported the change of age range. 48% of respondees felt that the change of age range would be beneficial to the education of the children at the school.
23. In excess of 15% of respondees also felt that it was important for children to stay at the school and over 11% of respondees believed it was important to reduce the transition points between schools.
24. No new objections were raised at this stage which were not raised and addressed at pre-publication consultation. The key objections raised included – the accommodation is not large enough, inadequate parking and why increase the schools capacity when there are places elsewhere.

Reason/s for decision

25. The recommended consultation on the proposal to change the age range at Everton Lower School, are 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.
26. If the Executive Member for Education and Skills approves the proposal, Everton Lower will implement this from September 2017. The school will be able to offer a choice for parents to decide whether or not to keep their child at Everton Lower for Year 5 or seek a transfer to a middle school.

Council Priorities

27. The report supports the following Council priority:-
 - Improved Educational Attainment

Legal Implications

28. 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 200713 and the School Organisation (Prescribed Alterations to Mainstream Schools) (England) Regulations 200713.
29. 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.
30. The Executive Member for Children's Services 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.
31. As decision maker for the statutory proposal reflected in this report the Executive Member for Children's Services 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

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

Financial and Risk Implications

33. There are no capital implications for the Council arising as a result of the proposals set out in this report.
34. 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.
35. 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.
36. 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.
37. Funding will not be due to the school until 2018/19. If the change of age range is approved 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.

Equalities Implications

38. 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.

39. 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.
40. 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.
41. 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:-

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

Risk Management

42. 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.

43. The key risks mitigated by the process that has been followed 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 school places.
 - Financial risks, including significant capital commitment to the Council, and the consequential additional running costs that will be borne by the schools.
44. 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

45. The recommendation is for the Executive Member for Education and Skills in consultation with the Director of Children's Services to determine the proposal through delegated authority as approved at the Council's Executive.
46. If determined this will enable the school to implement this from September 2017.

Appendices

The following appendices are attached:-

- Appendix 1 – Map showing the location of Everton Lower School
Appendix 2 – Responses to the statutory consultation