

Determination of a statutory notice for a change of age range at Shillington Lower School 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 a change in age range at Shillington Lower School (SLS) from 4-9 to 2-9 years of age, to integrate a pre school provision. This proposal was the subject of a statutory notice procedure which is now complete.
2. If approved the proposal would be implemented from 1 September 2017.
3. The school referred to within the report serves the Wards of Silsoe and Shillington.

RECOMMENDATION

That the Executive approves a change in age range for Shillington Lower School from 4-9 to 2-9 with effect from 1 September 2017 as set out in the statutory notice attached as Appendix A.

Children's Services Overview and Scrutiny

1. This report was presented to Children's Services Overview and Scrutiny Committee at its meeting on the 17 January 2017 and the Committee supported the recommendations set out within the report.

Background

2. On the 7 February the Councils Executive approved the commencement of a statutory consultation for the proposal to change the age range of Shillington Lower School, to integrate a pre-school provision following the closure of the previous pre-school.

3. The pre-school previously provided by a registered charity, 'Shillington under Fives', out of premises on the same site as the school, closed on the last day of the autumn school term 2016. Joint efforts were made by the pre school and the governing body of Shillington Lower School to enable the pre school to continue but the lack of staff made this untenable and the pre school was forced to close.
4. The Council was first approached by Shillington Lower School on 21 April 2016, following a meeting of the Governing Body at which the proposal was discussed. The proposal is for the school to incorporate the running and management of the nursery provision by the school itself, whilst continuing to fulfil the statutory education obligations of both nursery and lower phases.
5. The 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.
6. The revised guidance requires the Council to undertake a statutory process for a proposed change of age range for a community school:-
 - i. Approve publication of the statutory notice
 - ii. Commence formal consultation of at least four weeks
 - iii. Determination, following the representation period of the statutory notice
7. Whilst there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and local authorities 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

8. SLS submitted a draft proposal for the initial preliminary consultation to the Council on 16 May 2016 for comments. Suggested amendments to the proposal were supplied to SLS by return.
9. SLS launched the preliminary consultation on 19 May 2016. The Central Bedfordshire Council (CBC) Ward Member, CBC officers and all CBC schools were advised of the consultation and invited to respond. The preliminary consultation ran for 5 weeks (including half term) until 23 June 2016. SLS provided the responses to this consultation on the 16 October 2016 to the Council.

10. The preliminary consultation responses were reported to Executive on the 7 February 2017. A total of 52 responses to the preliminary consultation were received by the school. All the responses were in favour of the proposed change of age range.

Statutory Notice Responses

11. On 8 February 2017 a statutory notice was published on the Council's web site (Appendix A) setting out the proposal to change the age range from 4-9 to 2-9 years of age from 1 September 2017. This was displayed as required on the school gates and circulated to all interested parties, the same as those consulted at the preliminary consultation stage. The statutory notice period ended on the 15 March 2017.
12. A total of 45 responses to the notice were received before the closing date. 43 of the responders' were in support of the proposal, with 2 objecting to the change of age range. An objection was recorded on the basis that schools should not be seen as operating pre schools.

Reasons for Decision

13. The Council's Early Years Team confirms that Shillington continues to need its own pre-school provision and being part of the school would make it sustainable for the future. There is no other formal provision in the village, other than local childminders who have little capacity to take on extra children.
14. Without the school taking on the pre-school, the village will be without an early years facility. There would potentially be a sufficiency issue, especially with the new 30 hours programme due to roll out in September 2017.
15. 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 Shillington, 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.
16. The next nearest pre-school is in Gravenhurst and is currently almost at capacity and with the potential increase in funded hours for working parents (the 30 hour offer). There is likely to be an increased demand for pre-school hours in the area.

17. Shillington under Fives closed at the end of the autumn term 2016 leaving the village and parents without a local formal provision. Subject to a favourable response to the statutory consultation SLS propose to launch the pre school provision in September 2017.

Council Priorities

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

Legal Implications

19. 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).
20. 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.
21. 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.
22. This guidance can be viewed at:
<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
23. 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

24. There are no capital implications for the Council arising as a result of the proposal set out in the report.
25. The day to day running costs of early years and childcare provision is 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.

26. The accommodation previously used by Shillington under Fives was funded through Sure Start. The Councils Early Years team will seek the accommodation to be transferred to the school. The governing body of SLS propose to ring fence residual funds for the nursery unit. The governing body plan to invest to improve the condition of the building from the schools current surplus funds.
27. The governing body of the school have forecast that once the numbers of pre-school children have built up, a small operating profit from the nursery unit is anticipated. SLS have been cautious with the projections and the school will promote the nursery unit to strive to bring the break-even point forward.
28. The school will use school funds to refurbish the pre-school building (and to create a group room in the pre-school building, which will also be used by the school). The anticipated increase in the number of local pupils coming through nursery unit in future will result in a stronger financial base for the school. The project will also deliver a secure and sustainable future for pre-school provision in Shillington.
29. The Council has received a revised budget for the proposal which shows an improved financial position for the school going forward and is satisfied that the proposed age range change appears to be financially viable.
30. If the Councils Executive determines the proposal to a change of age range at the school there will be financial implications for the school and the governing body.

Equalities Implications

31. 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.
32. 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.

33. 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.
34. The proposal is not envisaged to have an adverse impact on any of the listed groups below:-
- | | | |
|-------|------------------------------------|--|
| I. | Sex | N/A |
| II. | Gender Reassignment | N/A |
| III. | Age | Pre school children will have access to sufficient pre school places |
| IV. | Disability | N/A |
| V. | Race & Ethnicity | N/A |
| VI. | Sexual Orientation | N/A |
| VII. | Religion or Belief (or No Belief) | N/A |
| VIII. | Pregnancy & Maternity | N/A |
| IX. | Human Rights | N/A |
| X. | Other Groups (rural isolation etc) | N/A |
35. As commissioner of pre-school and nursery provision that will be provided through the proposal set out in this report the Council has considered that there are no specific discrimination issues that arise from the change being proposed.

Risk Management

36. The proposal to change the age range of Shillington 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.
37. 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 year's places.
 - Risk of not achieving forecast numbers of pre school children impacting the financial viability of the main school budget.

Appendices

The following appendices are attached:
Appendix A – Statutory Notice