

## Central Bedfordshire Council

EXECUTIVE

6 February 2018

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### **Proposed Change of Age Range for Southcott Lower School, Linslade, Leighton Buzzard from 4-9 to 2-9 years of age**

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**This report relates to a non-Key Decision**

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#### **Purpose of this report**

1. To seek Executive approval to commence a statutory consultation required for the proposal to change the age range of Southcott Lower School, Linslade from 4-9 years to 2-9 years to enable the school to retain its 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 Linslade.

#### **RECOMMENDATIONS**

**The Executive is asked to:**

1. **approve the statutory process for the proposal to permanently change the age range of Southcott Lower School from 4–9 years to 2-9 years, 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 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 Committee recommended the following:
  1. That the Committee supports the Executive approval of the statutory process for the proposal to change the age range of Southcott Lower School from 4–9 years to 2-9 namely:-
    - Approve publication of the statutory notice
    - Commence formal consultation of at least four weeks
    - Approve that determination for the proposed change be made by the Executive Member for Families, Education and Children, if responses to the formal consultation are favourable. If responses to the formal consultation are not favourable determination to be made by the Executive. agreed as listed and encouraged that schools are looking to increase age range as it provides early years provision.
  2. That all schools be encouraged to increase ages ranges where appropriate in order to meet demand for early years provision.

## **Background**

5. A pre-school provision was opened at Southcott Lower School in April 2016 following the temporary closure of Bluebells, a privately-run early year's provision which operated out of a separate building located on the site of Southcott Lower School. The Bluebells provision was required to close as a result of the withdrawal of their registration by Ofsted
6. The new pre-school, which is managed and operated by Southcott Lower School, opened with the full backing and support of the Council's Early Years Team. The school temporarily lowered its age range from 4-9 years to 2-9 years to accommodate the younger children.
7. Bluebells had their registration reinstated by Ofsted the following term and both early years provisions have continued to operate on the lower school's site.
8. The proposal is for Southcott Lower School to make this temporary change of age range permanent, and continue to make available a maximum of 20 pre-school places per session, whilst continuing to fulfil the statutory education obligations of both nursery and lower phases.

9. A map showing the location of Southcott Lower School is attached at Appendix A
10. 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).
11. 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. This proposal for Southcott Lower School is subject to the revised guidance.
12. The revised guidance requires the Council to undertake a statutory process for a proposed change of age range for a community school, which is expected to be in place for more than 2 years, 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**

13. Following a meeting between the Head teacher of Southcott Lower School and Council Officers in July 2017 to discuss the process to be followed to make the temporary change of age range permanent, Southcott Lower submitted a draft letter to be used for the initial preliminary consultation. Suggested amendments to the letter were supplied to the school.
14. Southcott Lower School launched their preliminary consultation on 25 September 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 23 October 2017.
15. The consultation document included the following reasons for the permanent 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 area, 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.
  - Access to early support and interventions for those children with additional needs, with the opportunity to improve standards using support from within the whole school setting resulting in greater continuity of care.
  - Opportunity to link in with the before- and after- school care provision.
  - 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".
16. Southcott Lower School received a total of 40 responses to their preliminary consultation, all of which were in favour of making the temporary change of age range permanent. Comments submitted included –
- 'I think it is brilliant. I have a son in Year 1 and a son in Pre-school. Having the facility on site has made life so much easier ...'*
- 'I feel it will benefit the school and the local community. My youngest son was part of the first cohort who started in April 2016 and he enjoyed himself immensely and I think this has helped to prepare him for starting Reception.'*
17. After considering the results of the preliminary consultation the Governing Body of Southcott Lower School submitted a request that the Council consider the proposal and approve the progress to the next stage of the consultation process.

### **Reasons for decision**

18. Continuing demand for places at the Southcott Lower School provision justifies the temporary change of age range made by the school in order to provide the temporary pre-school provision in April 2016.
19. The Council's Early Years Team has confirmed that both the Southcott Lower School pre-school and Bluebells early years provision, although on the same site, continue to be sustainable due to the demand for pre-school places within the area. Southcott Lower School's pre-school provides for 'rising 2s' whereas Bluebells offers places for younger children which helps to reduce a potential conflict of interest between the two settings.

20. 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 Southcott Lower School, 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.

### **Council Priorities**

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

### **Legal Implications**

22. 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).
23. 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.
24. 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.
25. This guidance can be viewed at:  
<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
26. 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**

27. There are no capital implications for the Council arising as a result of the proposal set out in the report.

28. The day to day running costs of the early years and childcare provision are being 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. The pre-school is housed within the school's existing building and two classrooms are being used for the pre-school and nursery children. These classrooms were not previously in use and therefore the new pre-school provision has not had a negative effect on the accommodation that is available for the statutory school aged children.
30. The Council is satisfied that the proposed permanent age range change appears to be financially viable.
31. There are no financial implications arising out of a decision to support the commencement of consultations as outlined in this report. If the Council's Executive Member for Education and Skills, or Full Executive, determines the proposal for a permanent change of age range at the school, the governing body will need to continue to be mindful of the financial implications for the school.

### **Equalities Implications**

32. 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.
33. 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.
34. 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.
35. 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**

36. The proposal to change the age range of Southcott 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 years places.

## **Appendices**

The following appendices are attached:

Appendix A – Map showing the location of Southcott Lower School and pre-school