

Central Bedfordshire Council

Delegated Decisions by the Executive Member for Families, Education and Children on School Age Range Proposals

19 April 2018

Determination of the Proposal to Change the Age Range of Southcott Lower School Linslade, Leighton Buzzard and Southill Lower School, Southill from 4-9 to 2-9 Years of Age

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This report relates to a key decision

Purpose of this report

1. To report back to the Executive Member for Families, Education and Children the responses to Stage 2 following the publication of the statutory notices.
2. To approve the change of age range at Southcott Lower School Linslade, Leighton Buzzard and Southill Lower School, Southill following a generally positive response to the consultation.
3. To determine the implementation date for the change of age range for September 2018.

RECOMMENDATIONS

To approve the statutory proposal to change the age range of both Southcott Lower School Linslade, Leighton Buzzard and Southill Lower School, Southill with an implementation date of September 2018.

Overview and Scrutiny Comments/Recommendations

4. The original 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.

5. The Committee recommended: -
- It supports the Executive approval of the statutory process for the proposal to change the age range of Southill Lower School and Southcott Lower School from 4–9 years to 2-9.
 - 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 if responses to the formal consultation are favourable.
 - That all schools be encouraged to increase ages ranges where appropriate in order to meet demand for early years provision.

Background

Southcott Lower School

6. 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.
7. 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.

Southill Lower School

8. 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.
9. 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.

10. 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.
11. The process for making changes to Southcott Lower School and Southill Lower School Lower School, which are community schools, requires a five-stage statutory process which involves: -
 - I. Pre publication consultation
 - II. Publication of statutory notice
 - III. Representation period / formal consultation
 - IV. Decision
 - V. Implementation
12. The guidance can be viewed at:

<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
13. Whilst the 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.

Consultation responses

Southcott Lower School

14. Southcott Lower School received a total of 47 responses to the statutory notice. The responses are as follows:-

In favour	39
Against	8

15. Nearly 83% of all respondents were in favour of the school changing its age range. 17% of respondents were against the proposal.
16. Responses against the proposal were concerned about the parking around the school, that early years provision should be provided by the local authority and conversely why parents should be subsidised for the early years provision by the state.
17. The school has advised that their school travel plan will be reviewed in light of the parking issues raised within the consultation to the proposal.

Southill Lower School

18. Southill Lower School received a total of 17 responses to the statutory notice. The responses are as follows:-

In favour	14
Against	3

19. 82.4% of all respondents were in favour of the school changing its age range. 17.6% of respondents were against the proposal.
20. The key objections to the proposal and the schools responses are set below:-

Responses against the proposal	Schools response
No information has been given re the impact of this proposal on children already within the school – i.e. reception and 4+ nursery age.	Local Authority / Children's Services are keen to gain a seamless education from 2 Year Olds onwards. The Early Years building was built with growth in mind. The school follow statutory requirements for both adult and child ratio
How will sharing space and facilities with very young children impact on the learning of Reception children?	The Reception children will have a learning focus area to ensure that whole child development can continue.
Concern re moving 2 yr olds into a class that has children preparing to enter yr 1.	The Reception children will have a learning focus area to ensure the whole child development can continue in preparation for their transition into Year 1. Transition will also be more seamless as they will have been in the setting for longer.
2 yr olds take up considerable adult time.	The class will be staffed according to the EYFS Statutory Framework adult:child ratio for 2 year olds. Southill has and will continue to be a setting where the whole child's development, education, welfare and emotional needs are paramount.

The outside area will need to be expanded – is this possible?	The outside area will be timetabled to allow all pupils the opportunity to use the outside space throughout the school day.
How will all of this change plus new toys and equipment be funded?	The school currently has numerous toys in storage which were donated to the school when the village pre-school closed along with other donations.
Will all of this change improve results and enhance this wonderful school or will it have a detrimental effect on the school?	Research shows that children in a seamless education from 2 Years onwards are more able to reach their potential at an earlier age than when they start at a later date.

Reason/s for decision

21. The recommended approval for the proposal to change the age range at the lower schools, is to ensure the Council continues to meet its obligation ensuring there are adequate early years places and also to meet the legal requirements placed on the Council by the Education and Inspections Act 2006.
22. If the Executive Member approves the proposal, this will be implemented from September 2018.

Council Priorities

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

Legal Implications

24. 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.
25. 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.

26. The Executive Member 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.
27. As decision maker for the statutory proposal reflected in this report the Executive Member 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.
28. 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

29. There are no capital implications for the Council arising as a result of the proposals set out in this report.
30. 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.
31. If the proposal is determined in favour of the change of age range, the schools are likely to require additional teaching staff. The schools have shown prudent financial management which was reported at the last audit.

Equalities Implications

32. 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.

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. The proposed change of age range at the Lower Schools are not envisaged to have an adverse impact on any of the listed groups below:-

Sex	N/A
Gender Reassignment	N/A
Age	N/A
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)	N/A

Risk Management

36. 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.
37. 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.
38. If approved, the Governing Bodies of the lower schools 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

39. The recommendation is for the Executive Member in consultation with the Director of Children's Services to determine the proposal through delegated authority as approved at the Council's Executive.
40. If determined this will enable the schools to implement this from September 2018.

Appendices

None