

## Central Bedfordshire Council

Delegated Decision Meeting  
Executive Member for Families, Education and Children

20 March 2019

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### **Determination of the Proposal to Change the Age Range of Templefield Lower School, Flitwick 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 report to the Executive Member for Families, Education and Children the proposal to change the age range of Templefield Lower School, Malham Close, Flitwick Bedfordshire, MK45 1AJ and the responses received to both the preliminary and statutory consultation regarding the proposal.
2. To approve the change of age range for Templefield Lower School, Flitwick following a positive response to both parts of the consultation process.
3. To determine the implementation date for the change of age range for September 2019.

#### **RECOMMENDATIONS**

**The Executive Member for Families, Education and Children, to approve the statutory proposal to change the age range of Templefield Lower School, Flitwick with an implementation date of September 2019.**

#### **Background**

4. The Council was first approached by Templefield Lower School in July 2018 regarding a request to assist with the launch of a preliminary consultation for their proposal to change the age range of the school in order to enable a merger between the school and Windmill Pre-school, a committee run, early years provision that operates out of an independent facility on the school site.

5. The objectives of the proposed change of age range and subsequent merger with the pre-school included -
  - The opportunity to increase parental choice for seamless education for 2 – 9 within the town.
  - To provide fully integrated provision with opportunities for pre-school children to utilise all of the school's facilities.
  - Closer working relationships between the staff working across the age range.
  - Further access to early support and interventions for those children with additional needs.
  - Access to before and after school care provision for parents of pre-school children.
  - Enabling the pre-school to utilise the services of the School Business Manager, giving the Pre-school Manager more time to focus on teaching and learning.
  - Greater job security for current members of staff at the pre-school who would be employed.
  
6. The revised guidance published by the Department for Education (DfE) on 25 October 2018 confirmed the four-stage statutory process to be followed for making a prescribed alteration to a community school. (Previous guidance issued by the DfE in April 2016 had 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)
  
7. The four-stage statutory process for facilitating a change of age range for Templefield Lower, which is a community lower school, is as follows:-
  - I. Publication of statutory notice by the local authority
  - II. Representation period / formal consultation
  - III. Determination by the local authority
  - IV. Implementation
  
8. Prior to the commencement of the four-stage statutory process however, the DfE expects that the proposer will consult interested parties in developing their proposal prior to publication. The Governing Body of Templefield Lower School and the Committee of Windmill Pre-school therefore carried out a joint preliminary consultation to gauge the level of support for the proposal.

9. The DfE's guidance for 'Making significant changes ('prescribed alterations') to maintained schools', 25 October 2018, can be viewed at: <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

### **Consultation responses**

10. The joint preliminary consultation ran from 1 October to 6 November 2018, during which two drop-in sessions were held at the school. A list of stakeholders who should be consulted was provided to the school by the council. The list included parents/carers, staff, governors and trade union representatives. Council Officers also helped by notifying all schools within Central Bedfordshire, local Ward Members, the local Town Council and the local Diocese of the consultation.
11. A total of 28 written responses were received; 17 from parents, 7 from employees of Windmill Pre-school and 4 from staff and governors of Templefield Lower School.
12. Comments received included -
- Upon hearing the details of the merger, I feel it will be of benefit to children in Windmill, still providing a nurturing environment whilst merging the facilities of the school and providing a smooth transition for starting Templefield. *(Windmill Pre-School parent)*
  - As a parent I think the merger is a good idea for all and the future of Windmill. *(Templefield parent)*
  - I would like to express my full support for the proposal. I consider that such a move would be a positive one with clear benefits for pre-school and school. *(Windmill Pre-School employee)*
  - I feel that the merger would be a positive change for pre-school, offering a more secure future for our setting. *(Windmill Pre-School employee)*
  - I feel that the merger will be excellent for transition, both socially and academically. *(Templefield employee)*

13. Concerns about the future structure of the pre-school, the numbers of pre-school children and the impact on job roles were raised, and in response to these the school was able to clarify –
  - As part of the merger, the governing body will take over the management of the pre-school from the committee. The day-to-day operations will continue to be run by the pre-school manager and the daily routines will remain the same
  - There are currently no plans to increase the number of pre-school children admitted into each session
  - The intention is that employees working for Windmill Pre-School will transfer to become employees of Templefield Lower School in accordance with the TUPE Regulations 2006.
14. As a result of the level of support demonstrated during their preliminary consultation, the Governing Body of the school and the pre-school Committee voted unanimously to proceed with their proposal.
15. In November 2018, a request was submitted to the Council asking that the change of age range be considered and a formal consultation be launched. The request was considered by the Director of Children's Services and the launch of the statutory consultation was duly approved under delegation.
16. A formal consultation was launched by the Council on 3 January 2019 by the publication of a statutory notice and a full proposal. The consultation ran for 4 weeks and closed on 31 January 2019.
17. An on-line facility was provided on the Council's website for responses and a total of 14 responses were received.
18. Of the 14 responses received, 9 expressed their support for the proposal and 5 were against. Comments in support of the proposal included appreciation for the nurturing environment provided by the pre school and a hope that the school would continue with the excellent work that the pre-school currently does.
19. The few comments expressed against the proposal included a preference for play groups, which allow parents to meet each other better than they do in a school, and the danger of introducing children to mainstream school too soon.

## **Reasons for decision**

20. The recommended approval for the proposed change of age range for Templefield Lower School is to ensure that 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.
21. The proposal has the support of the Council's Childcare Development Team who have worked with both the school and the pre-school in order to help bring about the merger.
22. Templefield Lower School is an Ofsted 'good' school.
23. If the Executive Member approves the proposal, this will be implemented from September 2019.

## **Council Priorities**

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

## **Legal Implications**

25. 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.
26. 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 a proposal relating to a maintained school, which is set out in this report.
27. The Executive Member is authorised, under delegated authority in the Constitution (Part 3A, Paragraph 6), to exercise the Council's duty to determine proposals to alter the upper and lower age range of pupils in schools. As decision maker he must be satisfied that the proposals have followed due process and must also have regards to statutory guidance.
28. In exercise the decision the Executive Member is to take particular account of:
  - Statutory and nonstatutory guidance and the key factors for decision makers
  - The Admissions Code
  - Full consideration of the budget implications

29. In reaching a decision, the Executive Member must have regard to the views of the ward Member(s) who must be invited to attend the meeting at which the Executive Member takes the decision.
30. The decision must be taken in accordance with the provisions of paragraph 19 of the Access to Information Procedure Rules (Part 4F of the Constitution).
31. 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.
32. In any case the proposal must be determined within two months of the close of the representation period, otherwise the proposal will be referred to the Schools Adjudicator. The representation period/statutory consultation closed on 31 January 2019.

### **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. A greater number of pupils in the school roll would result in a stronger financial base for the school.
36. If the proposal is determined in favour of the change of age range, the school will require additional staff. Staff from Windmill Pre-school will be transferred to the employ of the school in accordance with TUPE regulations.

## Equalities Implications

37. 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.
38. 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.
39. 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.
40. The proposed change of age range at Templefield 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	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

41. 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.

42. 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.
43. If approved, the Governing Body of Templefield 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**

44. The recommendation is for the Executive Member to determine the proposal through delegated authority.
45. If the determination is to change, this will enable the school to implement this from September 2019.

### **Appendices**

46. Appendix A - Statutory document – Proposal to change the age range of Templefield Community Lower School, Flitwick from 4-9 to 2-9 years: published 3 January 2019.

### **Background Papers**

None