

## **CABINET MEMBER DECISION**

**31 MAY 2024**

### **DECISION FOR APPROVAL OF THE STATUTORY PROPOSALS AND PUBLIC NOTICE ON THE PROPOSALS TO CHANGE THE AGE RANGE OF THE GROVE PRIMARY SCHOOL FROM 2 – 11 YEARS TO 3 – 11 YEARS AND COMMENCEMENT OF THE REPRESENTATION STAGE.**

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#### **Relevant Cabinet Member**

Cllr David Chambers (Cabinet Member with Responsibility for Education)

#### **Relevant Officer**

Director of Children's Services

#### **Local Member(s)**

Cllr Beverley Nielsen

#### **Recommendation**

- 1. The Director of Children's Services recommends that the Cabinet Member with Responsibility for Education:**
  - (a) notes the guidance on prescribed alterations to maintained schools;**
  - (b) approves the publication of the statutory full proposals / public notices and commencement of the representation stage to:**
    - (i) propose to change the age range of Grove Primary School from 2 – 11 years to 3 – 11 years from 1<sup>st</sup> September 2024 in accordance with the delegated authority for making prescribed alterations to maintained schools;**
  - (c) notes that in that in accordance with the delegation of authority given by the Leader on 25 April 2018 the final decision will be made by:**
    - (i) the Director of Children's Services in relation to proposals in respect of which no objection is received; or**
    - (ii) the Cabinet Member with Responsibility for Education in relation to proposals in respect of which objection to the Public Notice is received.**

#### **Background**

- 2. Section 6 of the Childcare Act 2006 sets out the duty of local authorities of securing, as far as is reasonably possible, sufficient places for children aged 2, 3 and 4 to claim their entitlement to funded nursery education. In addition, local authorities should secure sufficient childcare to support parents back to work or to undertake education or training leading to work.**

3. In 2023 the government announced an expansion of the childcare programme to provide access to supported childcare for younger children and babies for working families and extend 2-year-old funded provision. In addition, and by September 2026, all parents and carers of primary school-aged children who need it should be able to access term time childcare in their local area from 8:00am to 6:00pm, so that parents can access employment and improve labour market participation.
4. In April 2018 the Leader of the Council delegated authority for the publication of statutory proposals for prescribed alterations to maintained schools to the Director of Children Services and Cabinet Member with Responsibility for Education (previously Cabinet Member for Education and Skills). This delegated authority was endorsed by Cabinet in January 2020.
5. The Council's change of age range policy (approved by Cabinet 30 January 2020) identified several criteria that must be considered and satisfied prior to a decision being taken to propose such a change.
6. Grove Primary School is currently a local authority-maintained school, in the Pickersleigh ward of Malvern. Malvern has experienced falling primary pupil numbers since 2021. The Grove Primary School sits on a previous Infant and Junior school site. The Pupil Admission Number (PAN) of the school is currently 30 (1 Form Entry), however the forecast for the school are numbers on roll averaging 15 children per year group for the next four years. Following public consultation, the Cabinet Member with Responsibility for Education, in February 2024, approved a PAN reduction from 30 to 15, effective for admissions from September 2025 onward. The school currently operates early years provision for 2 – 4-year-olds within the Infant building.
7. In March 2022 Ofsted judged Grove Primary School to be Inadequate. The Secretary of State for Education issued an Academy Order for the school to become a sponsored academy.
8. The Local Authority have worked with the school and Interim Executive Board (IEB) to consider options to support the school to remain sustainable and continue to support the community and families.
9. In January 2024 Corporate Landlord Board considered and approved in principle the transfer of the whole school site (excluding the caretaker's bungalow) to the Multi-Academy Trust approved by the DfE and to enter into lease arrangements for such, ahead of the full feasibility report and Capital Board approval for the funding from Education Basic Need.
10. In April 2024, Mercian Educational Trust were approved by the Department for Education as the Academy Trust to run Grove Primary School. The school and Mercian Educational Trust are keen to continue working with the Local Authority to meet the needs of families within the area and to wider meet the needs for a range of education provision in Worcestershire.

## **Proposal**

11. It is proposed to change the age range of the school from 2 – 11 years to 3 – 11 years from September 2024 and move all the primary school functions onto the Junior site. This will enable the school to operate a reduced PAN and an Early Years Foundation Stage Unit (EYFSU) for reception age children and children the year before they start school from the main school Junior site.

12. Mercian Educational Trust are keen to work with the Local Authority to utilise the Infant building and outdoor space to offer early years provision for 2 – 3-year-olds and provide provision to meet the needs of children with special educational needs longer term. The Trust have indicated they are likely to enter into arrangements with a third-party early years provider to deliver the early years and possibly wrap around provision.
13. The Local Authority is proposing to support this proposal with capital investment to adapt the Junior and Infant buildings to ensure they are fit for purpose for the school and Trust's needs. The capital required has already been approved by Cabinet and full council.
14. To review the impact of change of age range proposals, in January 2020 Cabinet approved a Change of Age Range Policy to assess such proposals. The conditions have been reviewed in relation to this proposal and summarised below:
  - a. *The school has a good or outstanding Ofsted judgement or can demonstrate how the change would support improvement at the school.*
    - i. The school received an Ofsted judgement of 'inadequate' in March 2022, however the early years provision received a judgement of 'good'. Following the Secretary of State's Academy Order, Mercian Educational Trust have been chosen by the Department for Education to run the school. The indicative date for conversion is 1<sup>st</sup> October 2024.
  - b) *Open and fair consultation has taken place with parents and other relevant stakeholders and the school can clearly demonstrate how any objections or issues raised will be managed.*
    - ii. Since 2016, "The Making Significant Changes (Prescribed Alterations) to Maintained Schools" statutory guidance no longer has a requirement for a pre-consultation period but there is a strong expectation that schools and Local Authorities will consult interested parties, in developing their proposal(s) prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations. Schools also need to ensure that they have the consent of the site trustees and other relevant religious authorities (where necessary).
    - iii. The Director of Children's Services considers (having taken advice from Directorate officers and Legal and Governance Services) that we do not include a pre-consultation stage for the above proposals for the following reasons:
      1. There is not a statutory requirement to do so; and the statutory process does include the representation stage, a period of 4 weeks where any person or organisation can submit comments on the proposals to the Local Authority to be taken into account by the decision maker.
      2. During the representation stage, the school, Academy Trust with support from the Local Authority will consult directly with families and staff impacted by the proposal.
      3. If the timeline included the pre-consultation stage this would likely complete in September 2024, too late to notify parent carers and staff. It would also delay the start of the works needed on site this summer holidays.
      4. Proposals need to be actioned as quickly as possible to support The Grove families with pre-school age children to access the most

appropriate early education provision to stand the best chance of positive outcomes.

- c) *The school involved can demonstrate the capacity to manage any curriculum changes or has secured appropriate support to do so.*
  - iv. The Grove has experienced and suitably qualified early years practitioners within their staff due to currently running the nursery on site. All Staff currently working in the Nursery will be redeployed within the new EYFS.
  - v. If the proposal is agreed, future staffing arrangements will be made in accordance with guidelines and adhere to the recommended ratios and appropriate qualifications needed.
  - vi. Combining the nursery and Reception provision minimises staff costs, whilst ensuring the provision is under the direct leadership of an experienced early years teacher.
  
- d) *The school involved can demonstrate that appropriate facilities, staff, and systems will be in place, including how they will manage additional revenue costs.*
  - vii. Accommodation changes are required for the school to operate the EYFSU from the Junior site. These include refurbishing and adapting the early years toilets and changing facilities and improving the outdoor learning area. The funding agreed by Cabinet and Council will fund these adaptations.
  - viii. Combining the nursery and pre-school and removing the two year old provision will reduce staffing pressures, provide more flexibility within existing staffing structures to meet the needs of the 3-5 year olds. The school have always had nursery provision and understand the requirements of the EYFS. The Early Years provision is judged as Good within their most recent Ofsted report. Having the 3-5 year olds in the same area will improve educational outcomes for children as staff can be more efficiently deployed to deliver early phonics, as well as identified speech and language interventions.
  - ix. The school will be reducing the revenue expenditure by having one building to maintain, reduced utilities and other services. With the more efficient use of staffing which is the highest amount of expenditure that a school has. Current nursery staff can be redeployed within the new 3-5 provision on site, meaning that other teaching assistants can be used to support high level needs children without the need for further recruitment.
  - x. The other building is planned to be used by the Trust for other provision, which if undertaken by the school or Trust has the potential of increase the income received. It is anticipated that the other building will be used to provide extended wraparound care services which will enable Grove Primary school to appeal more widely to working families.
  
- e) *There is an agreed, clear, and practical pathway for children to move on from each school affected by the change.*
  - xi. This proposal does not change the school admissions arrangements for reception children who will still need to apply through Admission Authorities for school places.

- f) *Any reduction in Published Admission Number or change in admission criteria required has been consulted upon and agreed, or a clear and transparent timetable for this change has been provided to stakeholders as part of the consultation process.*
- xii. Currently there is no admissions criteria change required in order to implement this proposal. Whilst the Published Admission Number for 2025 has been reduced from 30 to 15, the school are also considering seeking a variation to the Pupil Admission Number for 2024, reducing from 30 to 15.
- g) *There is no significant detrimental impact on other local schools.*
- xiii. Worcestershire County Council have a duty to secure sufficient places for children aged 2, 3 and 4 to claim their entitlement to funded nursery education. The change of age range will reduce temporarily the number of funded places for two year olds at The Grove, however, the Trust are committed to providing funded places for two year olds on the school site, once the works required to the Infant building are completed. The works are expected to be completed by Spring 2025, subject to the school being able to move into the Junior building.
- xiv. The funding approved by Cabinet and full Council includes adaptations to the Infant building to allow the Trust to commission to deliver early years provision. A condition of the Academy Trust lease from Worcestershire County Council will be to provide 'early childhood services' from the Children's Centre building within the Infant site.
- xv. There are fifteen (15) other early years providers within 2 miles of The Grove that offer places for funded two year olds, eleven of which are within 1 mile of The Grove. These include schools, day nurseries and childminders.
- h) *The proposal is clear and precise on how the school will continue to work with other local schools to the educational benefit of all children.*
- xvi. The school will continue to work with other schools and settings within the area to the educational benefit of all children.
- xvii. Joining the Academy Trust will allow the school to be part of a larger community. Neighbouring schools are already part of the Trust, meaning that Grove Primary can work closely with these schools. These schools are already working together on staff professional development opportunities. Working with the Mercian Trust, a clear Grove development plan is in place to share best practice and have educational benefit for all children in the local area.
- i) *Where the proposer is a small, rural school, as defined by the DfE rural schools' policy and WCC small schools' policy, the proposal makes it clear how the proposed change will support the school to stay viable and so support local need and parental preference.*
- xviii. This proposal does not affect any small, rural schools.
- j) *Any proposals should support the best education for all children in the area. Proposers should be clear how their proposal will work alongside the existing school systems operating in the area.*
- xix. Children attending the EYFSU provision will be fully integrated into the school community. Registration of all children will be consistent, as will tracking of attendance and attainment.

- xx. The school offers a fully inclusive environment, linking with Health and Social Care professionals, which allows the school to identify a need for early help and address barriers which are preventing swift progress whilst developing excellent relationships with families. The introduction of children into this journey from three years of age will further this programme and support the school to continue to improve outcomes for children and support vulnerable families.
  - xxi. The Trust is committed to working with the Local Authority to identify and create effective SEND provision to meet wider needs of pupils within EYFS and KS1. The Trust is also committed to working with an external EYFS provider to ensure provision for children aged 2-3. Under the Trust, Grove school will work closely with any private provider to ensure clear transition for children and families into the Grove EYFS setting.
- k) Funding for any necessary accommodation changes has already been secured*
- xxii. Cabinet and Council have already approved the capital funding required to make the necessary changes to the school site.
- l) Appropriate planning permission and any other consent required have been secured or a clear and transparent timetable for this change has been provided to stakeholders as part of the consultation process*
- xxiii. Planning permission is not required for the changes agreed to the accommodation for this proposal.
  - xxiv. The Property Agent commissioned by the Local Authority will seek Worcestershire County Council Landlord consent prior to starting the works.

## Statutory process

15. The statutory process for making prescribed alterations to LA Maintained schools has four stages:

Stage	Description	Timescale
Stage 1	Publication of Statutory proposal and public notice	At start of representation stage
Stage 2	Representation (Formal Consultation)	Must be at least 4 weeks
Stage 3	Decision	LA must decide a proposal within 2 months
Stage 4	Implementation	No prescribed timescale

16. The indicative timeline for the statutory process for these proposals is planned as follows:

- Forward Plan Entry and Report published - 23 May 2024
- Cabinet Member Decision to publish proposals – 31 May 2024
- Representation stage / formal consultation – 3 June to 1 July 2024
- Final Decision – early July 2024

17. Details of the published full proposals will be sent out to a range of stakeholders including parents and carers of pupils at The Grove and other local schools, staff and governors of The Grove Primary School, local early years providers, local residents, trade unions, and local members. Public notices will be published in all local papers, on the school notice boards and, on the school, and council website. All stakeholders will have an opportunity as part of the representation stage to comment on the proposals. Officers will take any comments and objections into account when forming the recommendations for the final decision maker who will be able to see the comments and responses as part of the final decision report.
18. The final decision must be made within a period of two months of the end of the representation period. As per the Cabinet delegation agreed, the final decision will be made by either:
  - a. the Director of Children's services in relation to proposals in respect of which no objection is received; or
  - b. the Cabinet Member with Responsibility for Education in relation to proposals in respect of which objection to the Public Notice is received.

## **Legal Implications**

19. Section 6 of the Childcare Act 2006 sets out the duty of local authorities of securing, as far as is reasonably possible, sufficient places for children aged 2,3 and 4 to claim their entitlement to funded nursery education. In addition, local authorities should secure sufficient childcare to support parents back to work or to undertake education or training leading to work.
20. The Council has a duty (under the Education Act 1996) to ensure there are sufficient school places to accommodate the children and young people who reside in the county and to ensure these places are of good quality with sufficient capacity to promote parental choice and diversity.
21. Section 315 of the Education Act 1996 requires LAs to keep their arrangements for Special Educational Needs and Disabilities (SEND) provision under review.
22. The above prescribed alteration is subject to the Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision makers January 2023. As per the prescribed alterations regulations outlined any proposal to alter the age range of a community school must follow the statutory process, which includes a 4-week representation period before a decision is taken. In this instance, only the Local Authority can be the formal proposer and decision maker of such alterations.

## **Financial Implications**

23. The proposal requires capital investment to make the necessary changes for the school to operate from the Junior site. Cabinet and council have approved the necessary Basic Need funding to make the necessary changes.
24. The school will not need to spend additional revenue on the changes as they already have all the equipment and resources, so these can be utilised within the provision once the capital has been used to make the changes to the site.
25. This proposal will support the primary school to make saving on buildings maintenance and other services by locating within one building. Having all the

staff in one building will allow the school to make more efficient use of staff. The Trust hopes that, in time, SEND provision will be created within the Infant building that will work in partnership with Grove and its school staff.

## **Staffing Implications**

26. There are no requirements for the school specifically to undergo a restructure should the proposal be implemented. However, the structure for wider school organisation is under review.
27. There is no requirement for the school specifically to remove any hours from the staffing structure should the proposal be implemented. However, the structure for wider school organisation is under review.
28. The school have a number of flexible working requests which will be accepted. This will support the school with any staffing pressures should the proposals be implemented. The Trust is concerned that the wider staffing structure appears unsustainable for the school's current size, therefore, it is under review.

## **Equality, Diversity and Public Health Implications**

29. A joint impact assessment screening (Appendix 1) has been completed in respect of these recommendations. The screening did not identify any further considerations for data protection. The screening identified potential considerations requiring further consideration during implementation for equality, public health or environment. Full Impact Assessments will be completed and reviewed at the end of the representation stage ahead of the final decision.

## **Supporting Information**

Appendix 1 – Joint Impact Assessment Screening

## **Contact Points**

### County Council Contact Points

County Council: 01905 763763

### Specific Contact Points for this report

Sarah Wilkins

Director of Education, Early Years, Inclusion and Education Place Planning

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## **Background Papers**

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

['Prescribed Alterations' regulations: Making significant changes \('prescribed alterations'\) to maintained schools: Statutory guidance for proposers and decision makers January 2023](#)