

CABINET MEMBER DECISION

22 AUGUST 2024

APPROVAL TO PUBLISH THE STATUTORY PROPOSALS INCLUDING PUBLIC NOTICE AND COMMENCEMENT OF REPRESENTATION STAGE FOR THE PROPOSAL TO CHANGE OF AGE RANGE OF THE ABBEY PARK FIRST AND NURSERY SCHOOL FROM 3 – 9 YEARS TO 2 – 11 YEARS FROM SEPTEMBER 2025, TO AMALGAMATE WITH ABBEY PARK MIDDLE SCHOOL AND TO ALTER THE SEN PROVISION

Relevant Cabinet Member

Cllr David Chambers (Cabinet Member with Responsibility for Education)

Relevant Officer

Director of Children's Services

Local Member

Cllr Daniel Boatright-Greene

Recommendation

- 1. The Cabinet Member with Responsibility for Education is recommended to:**
 - (a) note the update to Cabinet on the Pershore Review in March 2024;**
 - (b) note the various proposers and decision makers for a coordinated change of age range in the Pershore Education Planning area and notes other proposers' agreement to consult on a coordinated change of age range to align schools in the Pershore Education Planning Area to a single, two tier (primary and secondary) system of education;**
 - (c) approve the publication of the Statutory Proposal and Public Notice for the proposal to change the age range of Abbey Park First and Nursery School from 3-9 years to 2-11 years, to amalgamate with Abbey Park Middle School, to amalgamate the Governor led two-year old provision and to alter the SEN Provision on site from 1st September 2025 in accordance with the delegated authority for making prescribed alterations to maintained schools;**
 - (d) note that where the Local Authority is not the proposer or decision maker, Governing Bodies or Academy Trusts should consult with the Local Authority on their proposals, the CMR for Education in consultation with the DCS will respond to such consultations;**

- (e) note that for Fladbury First School, a Voluntary Aided school, the Governing Body can propose the change of age range, however only the Local Authority can make the decision to change the age range, therefore determining this proposal will align with the determination of the Abbey Park proposal;**
- (f) note that in accordance with the delegation of authority given by the Leader on 25 April 2018 to the Director of Children Services in consultation with the Cabinet Member with Responsibility for Education will determine the proposals should no objections during the Representation stage be received; or**
- (g) for the Cabinet Member with Responsibility for Education to review all representations received during the Representation stage should objections be received in order to decide on the proposal.**

Background

2. As per The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, outlined in the DfE Statutory Guidance entitled ‘Making significant changes (‘prescribed alterations’) to maintained schools: Statutory guidance for proposers and decision makers January 2023¹’ 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 the case of Maintained Schools, only the Local Authority can be the formal proposer and decision maker of such alterations.
3. In June 2018 the Leader of the Council approved the delegation of authority for the publication of statutory proposals for prescribed alterations to maintained schools to the Cabinet Member with Responsibility for Education (Previously Cabinet Member for Education and Skills). This delegated authority was endorsed by Cabinet in January 2020.
4. Although there is no longer a requirement for pre-publication consultation for prescribed alterations, the DfE guidance does recommend that Local Authorities and Governing Bodies ensure open and fair consultation with parents, any affected educational institutions in the area (e.g. primary, secondary, special schools, sixth form and FE colleges as required) and other interested parties. The Council conducted a comprehensive pre-publication consultation exercise in November 2021 and may now proceed to publication of the statutory proposals for the affected maintained community schools, where a further period of consultation will take place at the representation stage before any final decision is taken in respect of those schools.
5. The County Council has a statutory duty to ensure a sufficiency of school places for all children resident in the county who wish to attend a state funded school.

¹ [Making significant changes \(‘prescribed alterations’\) to maintained schools \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

6. Changes to schools in the Pershore education planning area over several years made by the Department for Education (DfE) and Worcestershire County Council (WCC) has led to uncertainty and sustainability concerns across the education planning area. This creates a risk to ensuring clear and quality education journeys for pupils in Pershore and the surrounding rural villages and ensuring the sustainability of a number of small rural schools.
7. Following a direct approach from schools in the autumn of 2020, and consultation with Cabinet members, the Pershore Education Planning Area (EPA) schools were engaged in a technical analysis to evaluate the risks and issues relating to the current organisation of the schools in the planning area.
8. During 2020/21 Worcestershire Children First (WCF) facilitated engagement with education stakeholders including all schools in the pyramid; Multi-Academy Trust (MAT) CEOs; the Regional Schools Commissioner (RSC); and the Diocese to find agreed solutions to manage this risk within the education planning area.
9. Between July and September 2021, the schools' governing bodies and Multi-Academy Trusts (MATs) confirmed their agreement / intentions to consult on the change to a two-tier Education Planning area (primary and secondary), seek changes of age range (where necessary) and in the instance of the Middle Schools amalgamate with the First Schools.
10. In September 2021 Cabinet agreed to pre-publication engagement for those schools where the Local Authority was the proposer. In October / November 2021 pre-engagement consultation was completed with parent carers, staff, governors, community members, local members in the Pershore area. This confirmed overall support for the proposals, with 78% agreeing and 16% disagreeing on the proposal to convert to a single two-tier system. A further 6% neither agreed nor disagreed. The main reason respondents disagreed with the proposal at this time was they felt middle schools helped the transition to secondary phase of education.
11. In April 2022, Cabinet agreed a commitment to support a collective change of age range to align schools in the Pershore Education Planning Area (EPA) to a single, two-tier (primary and secondary) system of education, subject to confirmation of the funding necessary to expand Pershore High School.
12. In October 2022, Cabinet noted the capital funding for the LA Maintained school changes (Abbey Park Federation, Defford-cum-Besford First School, Fladbury First School and Upton Snodsbury First School) detailed in the Council budget for 2022-23 including the County Council's approved contribution (funded by borrowing) of £1.3m and Basic Need Grant funding and Section 106 funding totalling currently £2.1m to deliver additional accommodation or repurposed accommodation.
13. The change of age range is dependent on Pershore High School being expanded to accommodate all Year 7 pupils from all schools within the area. In June 2023 HM Treasury confirmed support for the £22m Department of Education Schools Rebuilding Programme to partially rebuild and expand the school which will deliver the additional Year 7 places required from September 2027. The Area Review can accordingly now proceed in line with this timescale.

Conversion to a Single Tier Structure

14. Conversion to a single tier (primary and secondary school) system would ensure the sustainability of education provision and provide clarity and confidence to education partners and families.

15. For a single tier structure to be in place the following changes would need to take place:

- a. Change of age range of the following first schools to primary age range, resulting in accommodation changes
 - i. Crowle CE First School (DoWMAT)
 - ii. Fladbury CE First School (Voluntary Aided)
 - iii. Upton Snodsbury CE First (Voluntary Controlled)
 - iv. Defford-cum-Besford CE First (Voluntary Controlled)
- b. Change of age range of St Barnabas CE First & Middle School (DoWMAT) to primary age range
- c. Change of age range to Pinvin CE Primary Academy (DoWMAT) to primary age range.
- d. Amalgamation of Abbey Park Middle and Abbey Park First and Nursery School (Community) and a change of age range to provide a single primary school on this site
- e. Increase of Year 7 places at Pershore High (Avonreach Academy Trust)

16. These changes require school organisation processes as outlined by DfE guidance ([School organisation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-organisation)). They will involve either a statutory or non-statutory process. Any coordinated change requires multiple parties to work collectively, including maintained and voluntary schools, as well as two academy trusts. As a result, there are multiple proposers and decision makers, as per appendices 1 & 3, which will require a coordinated approach to decision making.

17. These changes would provide the greatest amount of stability to the planning area, with no further changes to the tier system required after completion. Appendix 4 shows the EPA should all the proposals be approved.

18. The proposed timeline for change would result in the change of age range at all first schools from September 2025, in line with the removal of the year 5 intake at middle schools in September 2025, and all pupils to transition to Pershore High for year 7 provision from September 2027.

19. To incorporate all proposals and consultation requirements the following timeline is proposed:

	LA Maintained Statutory	LA Maintained GB Non Statutory	Academy Schools
Schools	Abbey Park First and Middle Fladbury First School	Defford cum Besford First School Upton Snodsbury First School	Crowle First School Pinvin Academy St Barnabas First and Middle School Pershore High School
2 nd Sept – 30 th Sept 2024	Representation Stage – formal consultation on proposals for change in age range prescribed alterations	Consultation	Consultation
October/ November	DCS Report if no objections or CMR report if objections	Full Governing Body decisions	Tier 1 application to DfE Regions Group decisions
December 2024	Announce decisions to Stakeholders	Announce decisions to Stakeholders	Announce decisions to Stakeholders

Recommendations

20. The Governing Body of Abbey Park Federation have provided their agreement to proceed to statutory consultation.

21. As only the Local Authority can propose the changes for Abbey Park First and Nursery School and Abbey Park Middle School, the Cabinet Member with responsibility for Education is recommended to approve the publication of the statutory proposal and Public Notice to commence the start of the Representation Stage, the formal 4 week consultation.

22. The proposed changes being published for Abbey Park Federation include:

- a) A change of age range for Abbey Park First and Nursery School from 3-9 years to 2-11 years to incorporate a governor led nursery provision for 2 year olds into the age range of the school and to convert the first school to a primary school;
- b) An amalgamation with Abbey Park Middle School, to close the middle school and the first school to become a primary school; and
- c) an alteration to the Mainstream Autism Base (SEN Provision) age range and number of pupils (these will be agreed with the school prior to the commencement of the statutory publication).

23. Subject to all decision making, the proposed changes would be implemented from 1st September 2025. Abbey Park Primary School and Nursery would continue to operate a Year 7 year group until July 2027, after which all year 7 places would be delivered at Pershore High School.

24. All other school Governing Bodies or Academy Trusts proposing changes have also provided their agreement to proceed with consultation.

Consultation

25. The consultation period will begin on Monday 2nd September and end on Sunday 29th September 2024. Consultation papers, online surveys and consultation events will be available to all stakeholders. Local and Cabinet Members will be invited to attend any events taking place, facilitated by either the Governing Bodies or Academy Trusts. All information will be published on school websites, notice boards and on the Local Authority website.

26. Where the Local Authority is not the proposer or decision maker, there is a strong expectation that proposers (Governing Bodies / Trusts) will consult with the Local Authority on their proposals. In these instances, as per the January 2020 Cabinet delegation, the CMR for Education in consultation with the DCS will respond to such consultations.

Proposers and Decision Makers

27. Multiple proposers and decision-making bodies are required to coordinate an area-wide change including Worcestershire County Council, the DfE, School Governors and Trusts. The relevant proposer and decision-making body for each school is determined by the status of the school. Appendix 3, details these for each school proposal.

28. The Local Authority is the decision maker for the proposals made for Abbey Park First and Middle Schools and Fladbury First School. As a Voluntary Aided school, Fladbury Governing Body can propose the change and responsible for the publication of the statutory proposals / public notice but only the Local Authority can decide the change.

Statutory Process

29. Although 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, to take into account all relevant considerations. Schools should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

30. The Local Authority has a statutory duty to ensure a sufficiency of school places for all children living in the LA area who wish to access state-funded education. The current situation poses a risk to the LA's ability to continue to meet its statutory duties due to the instability it is currently causing for small rural and middle schools in this area.

Financial

31. The proposal will have capital and revenue implications for Abbey Park Federation. A detailed feasibility has been undertaken at the site to understand the adaptations required to deliver an effective Primary school with nursery and SEN Provision and retain the Children's Centre accommodation and functions.

32. Capital costs to deliver the accommodation changes at Abbey Park Federation are estimated at £452k, funding has been approved and allocated within the Education Capital programme to make the changes required.

33. For Abbey Park Schools Federation, this proposal would result in a restructure of existing staff across the two federated schools, in preparation for the amalgamation / closure of the Middle School in August 2025. This could result in a small number of potential redundancies for existing staff and the costs associated with this. The Local Authority will make every effort to minimise the impact on staff and avoid redundancies and this may be mitigated by natural staffing changes.

34. Revenue implications for schools are yet to be fully determined – whilst the middle school may be at increased risk of a financial deficit during the change period as pupil numbers decrease, the Primary school will see an increase in numbers and accompanying pupil-led funding. Across both schools, ultimately the Federation will be moving from having pupil-led funding for Reception to Year 8, to having pupil-led funding for Reception to Year 6.

35. The revenue implications will need to be reviewed and carefully managed on a school-by-school basis. The change in pupil-led funding will need to be planned into school budgets, with reductions/increases in staffing and non-staffing costs as appropriate. If the amalgamation is agreed, there will be some cost efficiencies expected in areas such as licences, service level agreements, from economies of scale in operating as one school rather than two. Where there is not 'natural wastage' in terms of staffing turnover to facilitate any staffing changes required to set a balanced budget, the Federation may need to implement restructures and incur redundancy costs as per paragraph 32.

36. The local authority has been in contact with the Department for Education and the Education Skills Funding Agency to start working on possible funding models for the implementation of any outcomes from the review. The Local Authority will need to notify the ESFA through the disapplication process by November 2024. This will enable the local authority to make changes in the Authority Proforma Tool (APT) by January 2025 to ensure that pupil-led funding to the schools is correct for April 2025.

37. The local authority discussed the three options for the funding with all the schools proposing changes. The options are:

- A. That the pupils funding within the middle schools are transferred to the first school to fund the additional requirements as they become Primary schools; or

B. That a percentage split of the middle school's pupils funding is transferred into the first schools to fund the additional requirement as they become Primary Schools; or

C. To leave the pupils funding as is as per the schools census with no changes to the funding formula for either.

38. The schools are supportive of option A, this requires a disapplication for the funding model for financial years 2025/26, 2026/27 and 2027/28.

39. The local authority will be taking a paper to the Worcestershire School Forum (WSF) on the 11 September 2024 for their agreement on applying for a disapplication. The disapplication needs to be submitted to the Education Skills Funding Agency in early November. Once this is received, they will consider the application, and it will be taken to the Secretary of State for Education for their approval. We should be notified in December if the approval has been agreed, this will allow us to make the changes to the school funding model for schools in January to submit in the normal timescales so that the schools will receive the funding allocations in February as normal.

40. In the event that the ESFA or the Secretary of State does not agree to our disapplication request, the Local Authority, will need to build flexibility into the Local Funding Formula for 2025/26 to enable the Local Authority to transfer pupil-led funding as necessary. This would not affect the overall funding rates for Worcestershire schools but would allow the Local Authority to essentially 'correct' the APT calculation.

Risk Implications

41. At present, the 3-tier system in Pershore is not sustainable and therefore the Local Authority is at risk of failing in our statutory duty to ensure a sufficiency of good school places in this area.

42. A small number of staff may be affected or at risk as a result of this change.

43. Capital costs could increase further, although contingency has been built into the LA Maintained feasibilities to plan for build costs for Quarter 4 of 2025. Costs will continue to be reviewed and reported to Capital Board.

44. Abbey Park Primary School and Nursery will have surplus accommodation should the proposals proceed. There may be opportunities to consider additional specialist and or multi-agency provision in the school to meet demand in the area and address any funding shortfalls.

45. The proposed timeline to conclude statutory and non-statutory proposals, enables parent carers to be informed on the decisions ahead of needing to make applications for school places for 2025. There is a risk that if decision making is delayed, parent carers will need to be encouraged to make applications for middle

school places that may not exist once decisions are made. WCF will coordinate communication to schools, Trusts and parent carers should this occur.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

46. A joint impact assessment (JIA) screening (Appendix 5) has been carried out in respect of the proposed options. It identified that further impact analysis was required in respect of a full Equality & Public Health and Environmental Sustainability Impact assessments to identify and manage the impact of the proposed changes to those with protected characteristic, together with any mitigation should proposals be approved by Cabinet Member. Appendices 6 and 7 are the full impact assessments for Equality and Public Health and Environmental Sustainability.

Supporting Information

- Appendix 1 – Schools in the Pershore Education Planning Area
- Appendix 2 – Education journey in the Pershore Education Planning Area
- Appendix 3 – Proposed changes, proposers and decision makers by school
- Appendix 4 – Education journey if proposals are agreed
- Appendix 5 - Joint Impact Assessment Screening
- Appendix 6 – Equality Public Health Full Impact Assessment
- Appendix 7 – Environmental Sustainability Full Impact Assessment

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 Place Planning
swilkins@worcschildrenfirst.org.uk

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](#)
- Delegation of authority given by the Leader on 25 April 2018, endorsed by the Cabinet on 30 January 2020 [8. Cab 20200130 Change of age range-final.pdf \(moderngov.co.uk\)](#)
- [Agenda for Cabinet on Thursday, 23rd September, 2021, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)
- [Agenda for Cabinet on Thursday, 21st April, 2022, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)

- [Agenda for Cabinet on Thursday, 27th October, 2022, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)
- [Agenda for Cabinet on Thursday, 27th June, 2024, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)