

CABINET MEMBER DECISION

Date of decision - 17 September 2024

DECISION FOR APPROVAL OF THE STATUTORY PROPOSALS AND PUBLIC NOTICE ON THE PROPOSALS TO CHANGE THE AGE RANGE OF HAGLEY PRIMARY SCHOOL FROM 4 to 11 YEARS TO 3 to 11 YEARS AND COMMENCEMENT OF THE REPRESENTATION STAGE.

Relevant Cabinet Member

Cllr David Chambers (Cabinet Member with Responsibility for Education)

Relevant Officer

Director of Children's Services

Local Member(s)

Cllr Karen May

Recommendation

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) notes the feedback received from the pre-publication engagement on this proposal;
- c) approves the publication of the statutory full proposals / public notices and commencement of the representation stage to:
 - propose to change the age range of Hagley Primary School from 4 – 11 years to 3 – 11 years from 1st January 2025 in accordance with the delegated authority for making prescribed alterations to maintained schools;
- d) 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

1. Section 6 of the Childcare Act 2006 sets out the duty of local authorities of securing, as far as is reasonably possible, sufficient childcare in their area for working parents.
2. 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.
3. 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.
4. 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.
5. Hagley Primary School is a local authority-maintained school, in the Hagley East ward of Bromsgrove. The Pupil Admission Number (PAN) of the school is currently 90 (3 Form Entry), the forecast pupil numbers for the school are averaging 85 children starting in reception for the next four years.
6. HPS Care Limited currently offers nursery provision for 3-4 year old children as a limited company and wrap around provision for all primary age children of Hagley Primary School.

Proposal

7. A request has been made by Hagley Primary School Governing Body to the Local Authority to propose to change the age range of the school from 4 – 11 years to 3 – 11 years from 1st January 2025.
8. Under this proposal the provision would become part of the age range of the school. This would enable the school to improve communication and administration and bring the nursery currently on site fully under the school umbrella. This would have no impact on the amount of nursery places in the area.
9. 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:

The school has a good or outstanding Ofsted judgement or can demonstrate how the change would support improvement at the school.

10. In June 2022 Ofsted judged Hagley Primary School to be Good with the early years provision judged Good. The nursery received a separate Early Years Inspection in April 2022, which also judged the provision to be Good.

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.

9. 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).

10. The Governing Body conducted pre-publication engagement in May – June 2024 on this proposal with stakeholders including parent carers of HPS and Kindergarten, staff, governors, local early years settings, neighbours and local businesses. All responses received were supportive of the proposal. Seven (7) responses were received from current families of Hagley Primary School or families with pre-school age children. No questions or concerns were raised.

The school involved can demonstrate the capacity to manage any curriculum changes or has secured appropriate support to do so.

11. Hagley Primary School will have experienced and suitably qualified early years practitioners within their setting when the school have taken responsibility for the nursery setting. HPS Care Limited currently run the nursery on site. All Staff currently working in the Nursery will be redeployed within the new nursery class.

The school involved can demonstrate that appropriate facilities, staff, and systems will be in place, including how they will manage additional revenue costs.

12. No additional accommodation is required to support this change as the existing building will be utilised, no amendments are required to adjust the current building to meet the statutory space standards within the Early Years Framework requirements.

13. The school have confirmed no further changes are required.

There is an agreed, clear, and practical pathway for children to move on from each school affected by the change.

14. This proposal does not change the school admissions arrangements for reception children who will still need to apply through Admission Authorities for school places.

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.

15. Currently there is no admissions criteria change required in order to implement this proposal.

There is no significant detrimental impact on other local schools.

16. There are ten (10) other early years providers within 2 miles of Hagley Primary School that offer places for funded three and four year olds, eight (8) of which are within 1 mile. These include another school governor led nursery, day nurseries and childminders. As there are no proposed changes to the current offer, other than the Governance arrangements, there is unlikely to be any impact on other local provision.

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.

17. The school will continue to work with other schools and settings within the area to the educational benefit of all children. The school has a clear established commitment to working with other Nurseries in transition, mid-year changes and will continue to work with schools as children begin their Reception year.

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.

18. This proposal does not affect any small, rural schools.

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.

19. The school are also committed to working with other early years settings to ensure any children who access split funding receive high quality Nursery provision. This includes working with the Local Authority and private provisions to ensure moderation of data and to ensure children receive a balanced education.

20. 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.

Funding for any necessary accommodation changes has already been secured

21. No capital funding is required for this proposal.

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

22. Planning permission is not required for the changes agreed to the accommodation for this proposal.

Statutory process

23. 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

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

- Forward Plan Entry and Report published – Monday 9th September 2024
- Cabinet Member Decision to publish proposals – Tuesday 17th September 2024
- Representation stage / formal consultation – Monday 30th September to Sunday 27th October
- Final Decision – early November 2024

25. Details of the published full proposals will be sent out to a range of stakeholders including parents and carers of pupils at Hagley Primary School and Kindergaten and other local schools, staff and governors of the 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.

26. 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:

- b) the Director of Children’s services in relation to proposals in respect of which no objection is received; or
- c) the Cabinet Member with Responsibility for Education in relation to proposals in respect of which objection to the Public Notice is received.

Legal Implications

27. 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.

28. 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.

29. Section 315 of the Education Act 1996 requires LAs to keep their arrangements for Special Educational Needs and Disabilities (SEND) provision under review.

30. 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

31. The proposal does not require capital investment to make the necessary changes for the school to operate the nursery provision.

32. 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.

Staffing Implications

33. There are no staffing changes proposed.

Equality, Diversity and Public Health Implications

34. A **joint impact assessment (JIA)** screening has been completed and it did not identify any potential considerations requiring further assessment during implementation.

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