

Committee

Date of Meeting:	16 January 2023
Report Title:	Proposed change in age range at Pebble Brook Primary School and Underwood West Academy
Report of:	Deborah Woodcock, Executive Director of Children's Services
Report Reference No:	CF/65/22- 23
Ward(s) Affected:	Crewe St Barnabas, Crewe South.

1. Purpose of Report

- 1.1. To consider the consultation responses received to the change of age range at Pebble Brook Primary School.
- 1.2. To approve the proposed changes of age range at Pebble Brook Primary School, Crewe, from 4 -11 to 2-11 to accommodate a nursery provision for implementation in February or March 2023 as a temporary change for a period of up to two years.
- 1.3. To note the proposal to extend the age range of Underwood West Academy, Crewe for implementation in February or March 2023.

2. Executive Summary

- 2.1 Reach for the Stars Nursery Limited provided full day-care at The Brooks Childrens Centre, Crewe and Oak Tree Childrens Centre, Crewe. This was a commissioned service since 2017.
- 2.2 A paper was presented to Children and Families Committee on 14 November 2022, "Closure of Reach for the Stars Nurseries", to inform committee that both nurseries commissioned by Cheshire East Council were closed on 4 November 2022. Approval was given to start a formal consultation with Pebble Brook Primary School to lower the age range of the children in school.

2.3 Both The Brooks and Oak Tree nurseries were co- located on school sites, The Brooks Nursery was on the site of Pebble Brook Primary School and Oak Tree Nursery on the site of Underwood West Academy. Both schools where the nurseries are on site expressed an interest in creating nursery classes on the sites of the previous nurseries so that they can offer nursery age classes within the school. This new model will no longer require a commissioned provider service as it will be delivered within the school which will secure places in the future, ensure continuity for the children, early engagement with the school and a nursery provision delivered in the heart of the family’s community.

3. Recommendations

- 3.1.** To consider the consultation responses received to the change of age range at Pebble Brook Primary School; and
- 3.2.** To approve the proposed change of age range at Pebble Brook Primary School, Crewe, from 4 -11 to 2-11 to accommodate a nursery provision for implementation in February or March 2023 as a temporary change for a period of up to two years,
- 3.3.** To note that the Regional Director for Education will move to extend the age range of Underwood West Academy, Crewe.

4. Reasons for Recommendations

- 4.1.** To ensure the authority’s duty to secure sufficient childcare under Section 6 of the Childcare Act 2006 are met.

5. Other Options Considered

- 5.1.** Do nothing and children disperse to other early years and childcare provision in the area – insufficient provision available.
- 5.2.** Recommission the service – unsustainable model in current financial climate.
- 5.3.** Options appraisal:

Option	Impact	Risk
Do nothing	Not all children would secure a place with other providers in the area.	Children would not be able to access their early education entitlement and parents are not supported to access work / training.

		The authority's duty to secure sufficient childcare under Section 6 of the Childcare Act 2006 would not be met.
Recommission the service	The current model is not financially sustainable in the current climate.	The recommission provider would also fail.
Create nursery classes in the schools as recommended	Children would not be displaced and would continue to have access to provision in two of the most disadvantaged areas of the borough. Provision within the school would promote and enhance transition to statutory education.	Provision for babies would be reliant on sufficient vacancies with other providers in the area.

6. Background

- 6.1.** Reach for the Stars Nursery Limited were commissioned in 2017 to provide full day-care at The Brooks Nursery Crewe and Oak Tree Nursery Crewe. Prior to this and a previous commissioned service, both schools had maintained nursery classes.
- 6.2.** Due to the sudden closure of both nurseries immediate action was required to ensure sufficient nursery provision in the area.
- 6.3.** Due to the need to quickly move the proposed changes to lower the age range at Pebble Brook Primary School, Crewe, from 4 -11 to 2-11 to accommodate a nursery is purposed as a temporary change. This will be for a period of up to two years with a view that a full consultation of the change of age range will be completed by the school within the first year to consult for a permanent change in age range with a final decision made by committee.

7. Consultation and Engagement

- 7.1.** With regard to any changes to lower the age range of Underwood West Academy as an academy the academy trust must have regard to the DfE guidance "Making significant changes to an open academy' Departmental guidance for all types of academy trust – January 2022 ". As an academy the trustees will be the decision makers although they will be required to seek final approval from the Regional Director (DfE).

- 7.2.** In accordance with the DfE guidance “Making significant changes (“prescribed alterations”) to maintained schools Statutory Guidance for proposers and decision -makers October 2018 (‘the Guidance ‘), as Pebble Brook Primary is a foundation school the Governing Body or the local authority can propose a change to the age range of 2 years or less, without having to follow the statutory process of a formal consultation.
- 7.3.** For Pebble Brook Primary School the local authority is the decision maker for a temporary change to the age range of 2 years or less. The guidance provides that proposing such a change that the non- statutory process should be followed as set out in part 4 of the Guidance which states that local authorities can make limited changes to their schools without following a statutory process, including some temporary changes but they are nevertheless required to adhere to the usual principles of public law.
- 7.4.** Although the local authority is the decision maker and although no statutory process is required under these exceptional circumstance’s officers are of the opinion that it was beneficial to conduct a formal consultation. Therefore, the local authority has consultation with key stakeholders including ward members, MP, the Diocese, Parish Councils, and all local schools were emailed with information to distribute to their parents, carers, and staff.
- 7.5.** The consultation has been over for 4 weeks from the 16 November 2022 – 15 December 2022. During the representation period 13 responses were received for Pebblebrook, with 11 in agreement and 2 against the proposal. 6 responses for Underwood West were received all in agreement with the proposal.
- 7.6.** The Guidance provides that the local authority and governing bodies will work together and will;
- liaise with the trustees of the school, and in the case of schools designated as having a religious character the diocese or relevant diocesan board, or any other relevant faith body, to ensure that a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained.
 - not undermine the quality of education provided or the financial viability of other ‘good’ and ‘outstanding’ schools in the local area.
 - not create additional places in a local planning area where there is already surplus capacity in schools, taking the quality and diversity of the provision into account as well as cross boundary impacts; and
 - 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.

8. Implications

8.1. Legal

- 8.1.1. The council is under a statutory duty to ensure the authority's duty to secure sufficient childcare under Section 6 of the Childcare Act 2006 is met.
- 8.1.2. For change of age range that are expected to be in place for more than 2 years (as these are considered permanent increases) the local authority can propose a change of age range of up to 2 years for a foundation school by following the non-statutory process.
- 8.1.3. The local authority is required to adhere to the usual principles of public law - act rationally; consider all relevant and no irrelevant considerations; and follow a fair procedure.

8.2. Finance

- 8.2.1. There are no financial implications at this stage of the process.
- 8.2.2. Funding levels for the new provisions will continue to be determined by the council's early years funding formula that is considered by Children and Families Committee in February of each year.

8.3. Policy

No policy implications identified

8.4. Equality

- 8.5. Equality Impact Assessment will be completed prior to commencement of the informal consultation.

8.6. Human Resources

- 8.6.1. There are no HR issues at this stage.

8.7. Risk Management

- 8.7.1. There is a risk that through the length of the process there will be a childcare sufficiency in the Crewe area and a number of vulnerable children will not be able to access 2,3-year-old funding.

8.8. Rural Communities

- 8.8.1. Not applicable

8.9. Children and Young People/Cared for Children

- 8.9.1. There was one cared for child identified in the cohort of children displaced from the closure of the nurseries and a new nursery setting has been identified for this child.

8.10. Public Health

8.10.1. There is a risk that through the length of the process there will be children who are not able to access nursery provision that will in turn effect their health and wellbeing in the short term.

8.10.2.

8.11. Climate Change

8.11.1. Not applicable.

Access to Information	
Contact Officer:	Claire Williamson Director of Strong start, Family Help and Integration.
Appendices:	None
Background Papers:	None