

CHESHIRE EAST COUNCIL

REPORT TO: Cabinet

Date of Meeting: 14 July 2009
Report of: John Weeks, Strategic Director People
Subject/Title: Broken Cross Community School change in age range

1.0 Report Summary

- 1.1 The purpose of this report is to seek a decision from Cabinet to approve the statutory change in age range from 4-11 to 3-11 at Broken Cross Community School, Macclesfield with effect from 1 September 2009. This will allow the continuing operation of the maintained nursery unit

2.0 Recommendations

- 2.1 1. That Cabinet approve the proposal to change the age range of Broken Cross Community School from 4-11 to 3-11 and re-establish the maintained nursery unit with effect from the 1 September 2009.
- 2.2 2. That Cabinet approve a permanent budget virement of £34,265 to the Individual Schools Budget from the Early Years Budget

3.0 Reasons for Recommendations

- 3.1 To enable the authority to meet its duty to provide sufficient early years provision in the Macclesfield area including the free entitlement for 3 and 4 year olds.

4.0 Wards Affected

- 4.1 Broken Cross Ward

5.0 Local Ward Members

- 5.1 Councillor Arnold, Councillor Goddard, Councillor Narraway

6.0 Policy Implications including - Climate change - Health

- 6.1 None

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 During the period September 2009 to March 2010 it is proposed that the maintained nursery unit will be funded through the Individual Schools Budget as a 26 place maintained nursery. To fund this requires a permanent budget transfer from the Sure Start Early Years budget to the Individual Schools Budget of £34,265. From April 2010 this funding mechanism is likely to change as a result of the introduction of the single early years funding formula.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 The Childcare Act 2006 imposes duties on local authorities regarding children in their area. The relevant key duties are the duty under Section 6 to secure sufficient childcare to meet the needs of working parents and those training for work and the duty under Section 7 to secure a minimum of 12.5 hours free early years provision for all three and four year old children. This proposal will enable the local authority to satisfy these duties

9.2 A change in age range constitutes a prescribed statutory alteration under the Education and Inspections Act 2006. A statutory process must be followed to ensure the decision is properly taken in accordance with the law. The proper procedures have been followed in relation to this proposal.

10.0 Risk Management

10.1 If the age range at Broken Cross is not changed to enable the maintained nursery unit to be re-established, there is a risk that the local authority may not be able to meet its childcare sufficiency duty and the free early years entitlement for the children in its area

11.0 Background and Options

11.1 On 5 April 2007, the Executive approved the closure of the maintained nursery unit located at Broken Cross Community School, Macclesfield, and the consequent change in the age range of the School from 3-11 years to 4-11 years with effect from 1 September 2007. This was to enable new childcare provision commissioned from a private or voluntary childcare provider to operate from the nursery unit premises, as part of the children's centre development at this site.

11.2 Broken Cross Community School and the on-site children's centre are located within one of the 30% most disadvantaged Super Output Areas ("SOAs") in Cheshire. When the children's centre was being developed the Authority was advised by Government Office North West and Together for Children (the government's delivery agent) that it should deliver the children's centre "full core offer" of services from this

centre, which includes a requirement for full day childcare. The centre was therefore developed on the basis that it would provide full day childcare, and as a consequence the 26 place maintained nursery unit would close. The existing maintained nursery unit premises were refurbished to meet the Department for Children, Schools and Families (DCSF) specifications as a delivery space for high quality full day care

- 11.3 Following a competitive tendering process during 2007, an experienced private childcare provider was appointed to operate the nursery from 1 September 2007. However, after more detailed consideration of projected occupancy levels at the nursery, this childcare provider withdrew from this appointment, as they did not consider that the nursery would be financially viable to operate on a commercial basis. Further expressions of interest were subsequently invited, but none were forthcoming. To enable continuity of early years provision on the site until a permanent arrangement could be established, as an interim measure it was agreed that the governing body should continue to operate the maintained nursery unit from the refurbished premises using temporary powers under the Education and Inspections Act 2006.
- 11.4 The DCSF has recently clarified its position on children's centre designation requirements, and has now indicated that a children's centre only needs to deliver the full core offer where the majority of children within the footprint it serves are in one of the 30% most disadvantaged SOAs. The majority of children within the Broken Cross children's centre footprint do not live in a 30% most disadvantaged SOA, and therefore the centre has received designation on the basis that full day childcare did not need to be delivered from this centre. As a result, Children and Families officers looked at various models of early years delivery in consultation with the school's governing body, and recommended that the school should combine its nursery unit and reception class to create a foundation stage unit. This would allow the school to deliver a high quality Early Years Foundation Stage from the refurbished premises, while achieving cost efficiencies by combining nursery and reception class staffing and resources.
- 11.5 The governing body at its meeting on 11 December 2008 resolved to request that the local authority increase the age range of Broken Cross Community school, Macclesfield, from 4-11 years to 3-11 years with effect from 1 September 2009. This will allow early years provision to continue on the Broken Cross Community School site through delivery by the school's governing body, which will assist the local authority's childcare sufficiency duty in this locality. It will also enable the maintained nursery unit and reception class to be integrated into a foundation stage unit as the school plan to implement from September 2009. It is envisaged that the nursery unit will initially have 26 places, however this may be reduced if amalgamation with the reception class takes place

- 11.6 During the period September 2009 to April 2010, it is proposed that the maintained nursery unit will be funded through the Individual Schools Budget as a 26 place maintained nursery. From April 2010 this funding mechanism is likely to change as a result of the introduction of the single early years funding formula for all private, voluntary and independent childcare providers and maintained nurseries. The school's governing body will be briefed on the implications of this as part of the authority's roll out of the single funding formula.
- 11.7 The proposal to change the age range is a prescribed alteration under the Education and Inspections Act 2006 and therefore the prescribed statutory process must be completed. Authorisation for consultation on this proposal was given by Cheshire County Council Children's Services Executive on 12 January 2009 and a statutory notice was published on the 22 April 2009 inviting any representations by 4 June 2009. No representations adverse or otherwise have been received and so, in the absence of any statutory objections, the decision is to be taken by full Cabinet
- 11.8 In considering proposals, the Cabinet can decide to:
- 11.8.1 reject the proposals
 - 11.8.2 approve the proposals
 - 11.8.3 approve the proposals with a modification or
 - 11.8.4 approve the proposals subject to them meeting a specific condition

Officers will be asking Cabinet to approve the proposals.

12.0 Overview of Year One and Term One Issues

- 12.1 None, as this is a continuation of current provision

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Judith Thompson
Designation: Principal Manager Integrated Services
Tel No: 01244 973304
Email: judith.thompson@cheshireeast.gov.uk

