

OPEN FOR PUBLICATION

Children and Families Committee

11 November 2024

Proposed change in age range at St Mary's Catholic Primary School, Middlewich

Report of: Claire Williamson, Director of Education, Strong Start and Integration

Report Reference No: CF/27/24-25

Wards Affected: Middlewich

Purpose of Report

- 1 To consider the consultation responses received to the change of age range at St Mary's Catholic Primary School, Middlewich.
- 2 To approve the proposed changes of age range at St Mary's Catholic Primary School, Middlewich, from 4 -11 to 3-11 to accommodate nursery provision and create a full primary provision, for implementation January 2025.

Executive Summary

- 3 It is proposed to permanently change the age range of St Mary's Catholic Primary School from 4-11 to age 3 -11, to take effect from 1 January 2025 to create a full primary provision. This will mean that the school will take children from age 3 (taking children into nursery the term after their 3rd birthday) to age 11 (Year 6).
- 4 This will be an amendment to the existing early education provision on site in order to ensure the best possible transition from Early Years Foundation Stage into the main school. The proposed number of admissions into the maintained nursery will be capped at 10 nursery places initially but as demand increases, school will expand capacity to match demand. The final number of pupils will be capped at 26.

RECOMMENDATIONS

The Children and Families Committee is recommended to:

5. To consider the consultation responses received to the change in age range at St Mary's Catholic Primary School; and
- 6 To approve the proposed change of age range at St Mary's Catholic Primary School, Middlewich, from 4 -11 to 3-11 to accommodate a nursery provision for implementation in January 2025.

Background

- 7 The 2022 Childcare Sufficiency Assessment for Middlewich School Planning Area identified that 5 new early years and childcare places for 0–4-year-olds would be required by 2027 to maintain the 2022 sufficiency ratio and there was no evident intention from existing providers to expand. Introduction of the new early education entitlements since the 2022 assessment is expected to result in a 60% increase in children accessing the early education entitlements.
- 8 Full day-care nursery provision in the local area has been provided by third party private providers. There has been keen interest from parents looking for wrap around care and nursey places at St Mary's. At the moment, parents from St Mary's use childcare providers Kids Planet and Little Learners provision and childcare. School age pupils are dropped off by mini bus in the morning and are picked up at the end of the day. Nursery aged siblings continue to use the above childcare providers as St Mary's does not offer this facility at present.
- 9 Should this proposal be approved the nursery class at St Mary's Catholic Primary would be led by qualified teachers and support staff, be fully integrated with the school and designed to meet the learning and development needs of all children from the early years through in to Key Stages 1, 2 and beyond. This provides the highest quality support for children at a critical time as they transition into full time school.
- 10 A focus on term time sessional provision for 3 and 4-year-olds across the school day, with wrap around provision to support working families, provides a financially sustainable model that meets the needs of the local community.
- 11 The Governing Body of St Mary's Catholic Primary School proposed the change to the age range and the local authority supports the proposal. The additional early education places contribute to meeting the statutory duties set out in sections 6 and 7 of the Childcare Act 2006. There may be insufficient early

education entitlement places in Middlewich if the school does not extend the lower age range.

Consultation and Engagement

- 12 In accordance with the guidance issued by the Department for Education Making significant changes ('prescribed alterations ') to maintained schools Statutory guidance for proposers and decision makers October 2024 ('the statutory guidance') the statutory publication notice was published in the Northwich Guardian on 12 September 2024 and the subsequent statutory four-week representation period ran from 13 September to 11 October 2024. Information was made available on the Council's website and the representation period was notified to key stakeholders including Ward Members, MP, Diocese, Local Parish and Town Councils and the neighbouring authorities of Cheshire West and Chester Council. Information was also emailed to all local schools together with a letter for distribution to their staff, governors and parents.
- 13 Committee members are advised that this statutory process provides the opportunity for any person with an interest to submit representations, which can be objections as well as expressions of support for the proposals.
- 14 The consultation closed on 11 October 2024. During the consultation the local authority received 1 response which did not support the proposal. However, no comment was left as to why they didn't support the proposal so the school or authority cannot respond with any mitigation measures or assurances to any issues they may have.

Reasons for Recommendations

- 15 The proposal will increase the number of nursery places available for parents and carers and particularly support working families requiring wrap around day care.

Other Options Considered

- 16 Do nothing and children disperse to other early years and childcare provision in the area – insufficient provision available.
- 17 Create a nursery class at St Mary's Catholic Primary School.
- 18 Options appraisal

Option	Impact	Risk
Do nothing	Some children may not secure a place with other providers in the area.	Children may 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.
Create a nursery class at St Mary's Catholic Primary School	Provision within the school would promote and enhance transition to statutory education and support working families requiring wrap around care.	Places not been taken up as the school hopes and it becomes a financial strain on the school budget.

Implications and Comments

Monitoring Officer/Legal

- 19 The local authority 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.
- 20 As a voluntary aided school the Governing Body of St Mary's Catholic Primary proposed the change to the age range and the local authority supports the change. If that change is to be in place for more than 2 years then the change is considered permanent. The statutory guidance sets out a table as to who can propose a change of age range and what process must be followed. The prescribed alterations 'statutory process must be followed.
- 21 When exercising functions under the School Organisation (Prescribed Alterations to Maintained Schools (England) Regulations 2013 local authorities, governing bodies and the Schools Adjudicator must follow the DfE guidance "Making significant changes ("prescribed alterations") to maintained schools Statutory Guidance for proposers and decision - makers October 2024 unless there is good reason not to. The prescribed alterations statutory process consists of 5 stages -:

Stage	Action	Comments	Dates
Stage 1	Publication	Statutory proposal notice published	12 September 2024
Stage 2	Representation	Must be at least 4 weeks as in the regulations	13 September 2024 to 11 October 2024
Stage 3	Decision	The decision maker (LA) must make a decision on the proposal within 2 months of the end of the representation period or the decision defaults to the School Adjudicator (OSA)	Children and Families Committee 11 November 2024
Stage 4	Referral (if applicable)	If a decision has been made, any referral to the adjudicator must be made within 4 weeks of the decision. If the	Decision is been made within the 2 months

		local authority has not decided a proposal within 2 months, it must refer the proposal to the Schools Adjudicator	
Stage 5	Implementation	Dependent on the Committee decision	Proposed January 2025

22 If a local authority fails to make a decision about a proposal within 2 months of the end of the Representation Period the local authority must forward the proposal, and any representations received, excluding those withdrawn in writing, to the Schools Adjudicator for a decision.

23 Committee members must have regard to the statutory guidance when making their decision. The statutory guidance provides that *Decision makers will need to be satisfied that the appropriate fair and open representation period has been carried out..... Decision makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s)*

24 The local authority has a legal duty to ensure that any decision it makes is transparent and has been made applying the Wednesbury principles and it has a rationale for the decision made.

25 With regard to consultation there are guiding principles that must be followed if the consultation is to be fair. These are known as ‘the Gunning principles’:

- Proposals are still at a formative stage - A final decision has not yet been made, or predetermined, by the decision makers.
- There is sufficient information to give ‘intelligent consideration’ - The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.
- There is adequate time for consideration and response - There must be sufficient opportunity for consultees to participate in the consultation..
- ‘Conscientious consideration’ must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account.

26 When issuing a decision, the decision maker can:

- Reject the proposal.
- Approve the proposal with modification.

- Approve the proposal with modifications, having consulted whichever of the local authority and/or governing body that has not proposed the modification; or
- Approve the proposal, with or without modification (having consulted on any modifications as mentioned above) subject to certain conditions (such as the granting of planning permission) being met.

Section 151 Officer/Finance

- 27 There are no additional financial implications for the Council.
- 28 Operational costs will be met by the school's revenue budget, supported through the Council's mechanisms for funding early year's education. 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.
- 29 Funding is based on hours and funded through Dedicated Schools Grant. The funding is adjusted at set points throughout the year based on take-up. The provision needs to ensure there is sufficient take-up to cover additional staffing and running costs.
- 30 As funding to schools is also under pressure it is important for the school to have full classes that attract sufficient funding to enable costs to be met. The change of age should assist with that aim.

Policy

- 31 No policy implications identified.

Equality, Diversity and Inclusion

- 32 An Equality Impact Assessment has been produced prior to the consultation and was made available on the Council web pages. A copy of the Equality Impact Assessment as attached as Appendix 1 to this report.

Human Resources

- 33 There are no increased Human Resources implications for the Council.

Risk Management

- 34 There are no risk management implications.

Rural Communities

- 35 There are no direct implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

36 The aim is to improve outcomes for all children and help close the gap for disadvantaged children.

Public Health

37 There are no direct implications for public health, however providing sufficient nursery places in their local community could improve a child's social and emotional wellbeing.

Climate Change

38 Not applicable

Access to Information	
Contact Officer:	Joanne Prophet- Joanne.prophet@chechireeast.gov.uk
Appendices:	Appendix 1 – Equality Impact Assessment.
Background Papers:	Section 6 of the Childcare Act 2006 Making significant changes (“prescribed alterations”) to maintained schools Statutory Guidance for proposers and decision - makers October 2024