

Cabinet

Date of Meeting: 04 December 2018

Report Title: Havannah Primary School - Proposed Change to Age Range

Portfolio Holder: Jos Saunders, Portfolio Holder Children and Families

Senior Officer: Mark Palethorpe, Acting Executive Director - People

1. Report Summary

- 1.1. The Governors of Havannah Primary have requested a permanent change to the age range of Havannah Primary School from 4-11 to age 3-11, to take effect from January 2019. This will be an amendment to the existing arrangement of a governor-led pre-school on site in order to ensure the best possible transition from Early Years Foundation Stage into the main school.
- 1.2. Havannah Primary School is a local authority maintained school and therefore any amendment to the age range is classed as a “significant change” and is subject to statutory public notice and 4 week statutory representation period.
- 1.3. This paper reports on the outcome of the statutory public notice, and subsequent 4 week statutory representation period.

2. Recommendation

- 2.1 Cabinet approve the proposed change in age range for Havannah Primary School from 4-11 year olds to 3-11 year olds for implementation January 2019 having given due consideration to the responses to the statutory public notice.

3. Reasons for Recommendation

- 3.1. This recommendation is made on the basis of the publication of a public notice and the outcomes of the subsequent statutory 4 week representation period. Only 1 response was received during the period of statutory notice and the Cabinet are required to consider the feedback and appropriate due process in considering the proposal.

4. Other Options Considered

- 4.1 No alternative options were considered.

5. Background

- 5.1. Havannah Primary School is a Cheshire East Community School rated “Good” by Ofsted at the last published inspection in January 2015.
- 5.2. Pre - school provision has been established at the school since 2005 run by a private provider. Due to inconsistent data between the Early Years Foundation Stage and Key Stage 1 the Governing Body took the decision to convert an on-site external provider into a governor-led provision. This decision was in line with the our policy for maintained schools regarding the creation of new maintained nursery classes or nursery provision using the community powers of a governing body. The new provision has been in operation since September 2017. This has resulted in a dramatic improvement in the numbers on roll with the provision operating at maximum capacity at peak times.
- 5.3. The ‘Policy for maintained schools regarding the creation of new maintained nursery classes or nursery provision using the community powers of a governing body’ sets out the circumstances for considering new applications from schools. These include:
- Insufficient high quality provision to enable children to access their free entitlement
 - Where there is a third party childcare provider on site with quality or occupancy issues
- 5.4 We are currently updating our Childcare Sufficiency Assessment. Following the assessment we will have evidence of any other areas where we need to target additional provision. Currently 45 schools have early years provision on site, of these 1 is judged by Ofsted as ‘requires improvement’ and the remainder are good/outstanding.
- 5.5 In accordance with the guidance issued by the Department for Education the statutory publication notice was published on the Council’s website and in the Congleton Chronicle on the 6 September 2018 and the 4 week period concluded on 4 October 2018.
- 5.6 Key stakeholders including Local ward members, Diocese, MP and local schools were notified of the proposal. A letter was provided to schools for distribution to parents and carers informing them of the proposal and how to offer their feedback to the proposal.

- 5.7 During the representation period only 1 response was received to the proposal and this was to record “ I have no objections to the proposed change of age range at Havannah”.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. The DfE statutory guidance “Making Prescribed alterations to maintain schools” applies to local authorities when exercising functions under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that came into force on 28 January 2014. It provides information on the processes involved in making significant changes to maintained schools (e.g. expansion, change of age range, transferring to a new site etc.).

6.1.2. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 describe the procedures that must be followed when making prescribed alteration proposals and state that local authorities must make decisions about any expansions that they propose.

6.1.3. The 2014 statutory process for making significant changes to schools now has four stages, as set out below:

Stage 1	Publication	Statutory proposal published – 1 day.
Stage 2	Representation (formal consultation)	Must be 4 weeks, as prescribed in regulations.
Stage 3	Decision	The decision-maker (usually the LA) must decide proposals within 2 months of the end of the representation period or decision defaults to Schools Adjudicator (OSA). Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale, but must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

6.1.4. 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.

6.1.5. The regulations further provide that the local authority must have regard to the statutory guidance given from time to time by the Secretary of State when they take a decision on proposals. Guidance is issued by the Department for Education entitled School Organisation Maintained Schools Annex B: Guidance for Decision Makers.

6.1.6. Cabinet members are advised that they must have regard to the Guidance when making their decision, in accordance with Regulation 7 of The Regulations. The Department for Education's guidance makes it clear that the Guidance should not be treated as exhaustive because the importance of each factor will vary depending on the proposal and as such all proposals must be considered on their individual merits.

6.2. Finance Implications

6.2.1 There are no additional financial implications for the Council.
Operational costs will be met by the schools revenue budget, supported through the Council's mechanisms for funding early year's education.

6.3. Policy Implications

6.3.1. The proposal will allow more children access to a good school with the intention in supporting children and young people in achieving the best possible outcomes.

6.4. Equality Implications

6.4.1. An Equality Impact Assessment has been undertaken the results of which indicate that this proposal does not have any potential negative impact on the specific characteristics and will positively impact on the protected positively impact on the number of school places for young children of pre school age and thereby increasing opportunities for parental choice, in line with DfE guidance.

6.5. Human Resources Implications

6.5.1. There are no additional human resource implications for the Council.

6.6. Risk Management Implications

6.6.1. There are no risk management implications.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

6.8.1. Early Years Foundation Stage baseline data indicates that children come to Havannah from below typical starting points, especially in reading, writing and number. If the school were to take on the pre-school, both teachers and staff would work together to improve provision both inside and out.

6.8.2. Improved data allows a clearer identification of the children's starting point and progression opportunities. It is anticipated that in time this will undoubtedly have a positive knock-on impact on the attainment and progress of children throughout their school career.

6.9. Public Health Implications

6.9.1. There are no public health implications.

6.10. Ward Members Affected

6.10.1 Local ward members were informed of the proposal during the statutory representation period.

7. Consultation & Engagement

7.1. In accordance with the guidance issued by the Department for Education, the statutory publication notice was published in the Congleton Chronicle on 6 September 2018 and the statutory four-week representation period ran from 6 September 2018 to 4 October 2018. Cabinet 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. Cabinet members must take any views received into account when deciding whether to approve the proposal.

7.2. The representation period was notified to key stakeholders including Ward Members, MP, the Diocese and Parish Councils. Information was emailed to all local schools.

7.3 There was only 1 response to the statutory notice which commented "I have no objections to the proposed change of age range at Havannah".

8. Access to Information

- 8.1 [DfE Guidance - Making significant changes \(prescribed alterations's\) to maintained schools.](#)

[DfE Guidance - Guidance for Decision Makers.](#)

9. Contact Information

- 9.1. Any questions relating to this report should be directed to the following officer:

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