

Report to the Cabinet Member for Children, Young People and Schools
Report submitted by: Interim Executive Director for Children and Young People
Date: 6 February 2014

Part I

Electoral Division affected:
Penwortham South

Our Lady & St Gerard's RC Primary School: Proposal to Make Alteration to the Age Range of the School by Adding a Maintained Nursery
(Appendix 'A' refers)

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Executive Summary

This report aims to provide sufficient information on:

- the proposal to make alteration to the age range of Our Lady & St Gerard's RC Primary School, from 4 – 11 years to 3 – 11 years, through the establishment of a maintained nursery class, offering 30 full time equivalent nursery places.
- factors that the decision maker must take into consideration when determining the proposal and commentary on how the proposal meets these factors; and
- the responses received during the statutory notice period

in order for the decision maker to make a determination in respect of the proposal.

Between 11 November 2013 and 22 December 2013 the Governing Body of Our Lady & St Gerard's RC Primary School published a Statutory Notice, to consult on a proposal to make alteration to the age range of the school from 4 -11 years to 3 – 11 years, through the inclusion of a nursery class, with effect from 22 April 2014. In accordance with the statutory process for school expansion proposals, the Notice invited representations (objections or comments) within the statutory six week period.

Under the applicable statutory guidance 'Making Changes to a Maintained Mainstream School (other than expansion, foundation, discontinuance & establishment proposals)', a decision should now be taken about the proposal. If the authority fails to decide the proposal within two months from the end of the statutory notice period, that is by 22 December 2013, the proposal and any representations about the proposal must be passed to the schools adjudicator for decision.

The constitutional arrangements of the County Council provide for the decision to be taken by the Cabinet Member for Children, Young People and Schools.

This is deemed to be a Key Decision and Standing Order 25 has been complied with.

Recommendation

The Cabinet Member for Children, Young People and Schools is recommended to:

- (i) consider the information in this report;
- (ii) approve the proposal to alter the age range at Our Lady & St Gerard's RC Primary School from 4 -11 years to 3 – 11 years, through the inclusion of a nursery class, with effect from 22 April 2014; and
- (iii) approve that an appropriate statutory decision letter be sent out as specified under legal requirements to give the reasons for the decision to those who are to be informed of them.

Background and Advice

In 2012 the school approached Lancashire County Council regarding a school led proposal to make alteration to the age range of the school from 4 -11 years to 3 – 11 years, through the inclusion of a nursery class, with effect from 22 April 2014. The proposal would result in the provision of 30 full time nursery places.

It should be noted that there is already a privately run pre-school group, which operates within the school buildings. The Governing Body wish to take over the early years provision. The building will be expanded to accommodate the additional pupils.

The Governing Body identified the following objectives of the proposal:

- To ensure that parents and children have access to a coherent and well planned education structure that provides continuity of learning for 3 – 11 years.
- To provide continuity through an integrated approach to curriculum planning and assessment so that pupils makes the best possible progress in learning.
- To improve children's key skills in a progressive way.
- To provide greater continuity if teaching, pupil care and development under a single Headteacher.

Prior to the publication of the Statutory Notice, the Governing Body had conducted a Stage 1 consultation on the proposed change to the school, between 27 September 2013 and 4 November 2013. The consultation sought representation from key stakeholders, although the views of the county council had not been sought at this time.

Following the Stage 1 consultation on the proposal, on 11 November 2013, the Governing Body of Our Lady & St Gerard's RC Primary School agreed to the

publication of a Statutory Notice proposing to make alteration to the school by changing the age range from 4 – 11 years to 3 – 11 years.

Full details of the school expansion proposal to be considered are set out in Appendix 'A'. The information contains the school's Stage 1 consultation document and the Statutory Notice complete proposal.

The Statutory Notice period expired on 22 December 2013 and the proposal falls to the authority to determine. The proposal is now at stage 4 of the 5 stage statutory process. This is summarised below:

Stage	Statutory requirement	Dates
1	Initial consultation on the proposal	27 September to 4 November 2013
2	Publication of a Statutory Notice	11 November 2013
3	Representations on the Proposal	By 22 December 2013
4	Decision *	6 February 2014
5	Implementation date: if the decision is to proceed with the proposal.	22 April 2014

* If the local authority is responsible for a decision on the proposal and fails to take it within two months from the end of the representation period (stage 3), that is 22nd December 2013, the proposal must be passed to the schools adjudicator for decision.

Representations

196 written representations were received during the statutory notice period. Further information is provided below.

Consultations

Full details of the statutory notice representation process are set out in Appendix 'A' (section 11).

Checks on receipt of Statutory Proposals

Before judging the merits of a statutory proposal, DFE Guidance 'Making Changes to a Maintained Mainstream School (other than expansion, foundation, discontinuance & establishment proposals)' advises (at 4.7) that there are four key issues which the decision maker should consider:

- Is any information missing?
- Does the published notice comply with statutory requirements?
- Has statutory consultation been carried out prior to the publication of the notice?
- Are the proposals 'related' to other published proposals (and should therefore be considered together)?

There is no information missing. The information is provided in the complete proposal at Appendix 'A'.

The published notice complies with statutory requirements.

Stage 1 consultation was carried out prior to the publication of the notice, detailed in Appendix 'A'.

The proposal is not 'related' to any other published proposals.

Funding and land

The Decision Maker should be satisfied that any land, premises or capital required to implement the proposals will be available. Furthermore, there is a strong presumption for approval where the school meets the DfE criteria for high performing and does not require capital support.

Comment

The Governing Body of Our Lady & St Gerard's RC Primary School confirms that it has the necessary capital funds to implement the proposals in full within the school's current site boundary, and has acknowledged that capital funding would not be sought from the county council to assist the implementation of the proposal. The school is currently building an additional EYFS (foundation) class for children in their first year of compulsory schooling. As part of this project an additional classroom is being built, which could accommodate a nursery class. The total cost of the building works will be £136,600. £42,000 of this will be met through donations, with the remainder met from existing funds held by the Governing Body.

Any revenue funding implications will be addressed through the Dedicated Schools Grant.

Every child matters

The decision maker should consider how proposals will help every child and young person be healthy; stay safe; enjoy and achieve; make a positive contribution; and achieve economic well-being.

Comment

The statutory proposal is to make alteration to the age range of the school from 4 – 11 years to 3 – 11 years. The proposal will effectively take over the existing pre-school privately operated provision, resulting in improved continuity, stability and security.

Travel and accessibility

The proposed changes should be accessible and should not adversely impact on disadvantaged groups.

Comment

Most of the young people will have already been attending the privately operated pre-school within the school buildings of Our Lady & St Gerard's RC Primary School.

Special Educational Needs Provision

The guidelines for consideration relate mainly to a full system review of SEN provision within a local authority.

Comment

Not applicable.

Views of interested parties

These should be taken into account.

Comment

The views of interested parties, made during stage 1 of the consultation, are included in Appendix 'A' to this report (Section 11). A total of 51 responses were received. The vast majority of respondents were in favour of the proposals (97%) and only 3% were against the proposal. Two of those who objected were parents, one was a local child minder and one was a local nursery provider.

During the Statutory Notice period a total of 196 responses were received. All 196 responses either agreed or strongly agreed with the proposal to make alteration to the school's age range. No negative responses were received. The large majority of responses have been received from existing parents at the school.

The Cabinet Member for Children, Young People and Schools may:

- reject the proposal;
- approve the proposal as published;
- approve the proposal with limited modifications; or
- approve the proposal with specific conditions

Conclusion

Based on the 3 factors below, It is recommended that the proposal should be approved as published:

- Pre-school provision already exists within the school;
- The school has the necessary capital funds in place to meet the accommodation requirements, without assistance from the local authority;
- An extremely positive response to the statutory consultation has been received.

Implications:

This item has the following implications, as indicated:

Risk management

Legal

DfE Guidance 'Making Changes to a Maintained Mainstream School (other than expansion, foundation, discontinuance & establishment proposals)' which has been referred to throughout this report contains both statutory and non-statutory guidance. If the Local Authority fail to have due regard to the statutory guidance and the proposal is refused by the Cabinet Member, the Governing Body could request a referral of the decision to the schools adjudicator, which the local authority must comply with, and the schools adjudicator could overturn the decision.

Financial

The Governing Body has confirmed that it is able to fully fund the capital development required and that there will be no impact on the local authority, now or in the future, for additional capital funding as a direct consequence of the implementation of proposal. The revenue implications of funding the nursery provision will be contained within the funding received for the Dedicated Schools Grant.

Land and Property

Full planning permission has been secured for this project. An application will be made to the DfE to build on a small section of the playing field. Permission must also be obtained from the Diocese of Salford and Ampleforth Abbey Trustees. The accommodation project is expected to be completed by the end of February 2014.

Equality and Diversity

School Organisation Regulations (2009) prescribe the consultation that is required around each individual school organisation proposal and significant capital investment. In the case of this proposal access to, and choice of, local early years provision will be improved.

S. 149 of the Equality Act 2010 sets out the equality duty that public authorities must comply with. The proposal is to alter the age range, which will not disadvantage any group and will benefit, in the main, both current and future pupils at the school.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A