

**Title of meeting:** Cabinet Member for Education

**Date of meeting:** 7<sup>th</sup> December 2017

**Subject:** Change of age range for Penhale Infant School and Nursery

**Report from:** Alison Jeffery, Director of Children, Families and Education

**Report by:** Mike Stoneman  
Deputy Director of Children, Families and Education - Education Service

**Wards affected:** Fratton

**Key decision:** No

**Full Council decision:** No

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**1. Purpose of report**

- 1.1 This purpose of this report is to seek approval to commence the statutory process to change the age range of Penhale Infant School and Nursery from 3 - 7 year old pupils to 2 - 7 year old pupils. This will allow the school to provide early education for 2 year old children.

**2. Recommendations**

- 2.1 It is recommended that the Cabinet Member:

- Authorises the Director of Children, Families and Education to proceed to the representation stage of the statutory process by publishing a proposal to change the age range of Penhale Infant School and Nursery to 2 - 7 years.

**3. Background**

- 3.1 The Governing Body of Penhale Infant School and Nursery has approached the Council with a request to change the age range of the school from 3 - 7 years to 2 - 7 years as the school is now offering nursery provision to children from the age of two in order to meet local demand.

- 3.2 Penhale Infant School and Nursery is a 270 place infant school with a nursery class. Nursery education is provided under the Ofsted registration of the school.
- 3.3 The nursery provides sessional early years education for local families. From September 2017, the school has offered provision for 2 year old pupils to enable qualifying families to take advantage of the 15 hour funding entitlement for 2 year olds.

### **Free childcare entitlement**

- 3.4 Currently, all children in England aged 3 - 4 years old are entitled to 570 free government funded hours of early education or childcare per year. This is usually taken as 15 hours per week for 38 weeks of the year (term time). In addition some 2 year olds are also eligible for up to 15 free hours per week at an approved childcare provider. The entitlement to funded hours starts from the term after either the child's third birthday (3 & 4 year old entitlement) or the term after the child's second birthday (2 year old entitlement)
- 3.5 From September 2017, 3 and 4 year old children from eligible working families are entitled to an additional 570 hours of government funded childcare per year (i.e. 15 additional free hours per week). As this increase in entitlement for 3 and 4 year olds is taken up there will be fewer available spaces within existing nurseries and childcare settings for eligible 2 year olds. Creating additional places for 2 year old children will enable more families to take up their entitlement under the regulations for the younger cohort.
- 3.6 Maintained school nursery classes have traditionally provided early education for children from the start of the term after their 3<sup>rd</sup> birthday. Maintained schools typically have an age range of 3 - 7 years (infant schools) or 3 - 11 years (primary schools). In order to take 2 year old pupils, these schools would require a change of age range.

### **Statutory Process**

- 3.7 Penhale Infant School is a community maintained infant school. A change of age range for a community maintained school is a prescribed alteration governed by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 3.8 Under the statutory Department for Education (DfE) guidance "Making 'prescribed alterations' to maintained schools" issued by the DfE in April 2016, Local Authorities can propose:
  - a change of age range of one year or more for community schools (including the adding or removal of sixth-form or nursery provision) and community special schools or alter the upper age limit of a

foundation or voluntary school to add sixth-form provision by following the statutory process.

3.9 The LA is the decision maker for a proposal to change the age range of a community school.

3.10 The statutory process for making prescribed alterations to schools has four stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal / notice)		
Stage 2	Representation (formal consultation)	Must be at least 4 weeks	As prescribed in the 'Prescribed Alteration' regulations.
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale	However it must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

3.11 Once a proposal has been decided only the Church of England Diocese or Roman Catholic Diocese can appeal the decision through the schools adjudicator.

#### 4. Reasons for recommendations

4.1 The Governing Body of Penhale Infant School have approached the Council with a request to change the age range of the school from 3 - 7 years to 2 - 7 years.

4.2 The school offers places to the parents of two year old children who meet the eligibility criteria for two year old funding. This will add capacity and help to enable more 2 year old children to access early education.

4.3 If approved, stage 1 of the statutory process will commence with the publication of the proposal on 13<sup>th</sup> January 2018 followed by the four week statutory consultation which would end on Friday 10<sup>th</sup> February 2018. A

report on the outcome of the statutory consultation will be brought to the March 2018 Cabinet Member for Education Meeting

## **5. Equality impact assessment**

- 5.1 An equality impact assessment is not required as the recommendation does not have a negative impact on any of the protected characteristics as described in the Equality Act 2010. A change in age range for Penhale Infant School will affect all parents in the area equally.

## **6. Legal implications**

- 6.1 The Education and Inspections Act 2006, the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and the DfE statutory guidance "Making Prescribed Alterations to Maintained Schools - statutory guidance for proposers and decision-makers (April 2016)" set out the procedure for changing the age range of a maintained school. The stages of the statutory process are set out in paragraph 3.10 of this report and it is within the Cabinet Member's powers to approve the recommendation.
- 6.2 The Local Authority will be the decision-maker of this proposal and the decision-maker must have regard to the statutory guidance for decision-makers "Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals" of April 2016. The decision-maker must be satisfied that before a final decision is made, appropriate consultation has been carried out and any representations made are considered carefully.
- 6.3 The decision must be made within a period of two months of the end of the representation period.

## **7. Director of Finance's comments**

- 7.1 The School and Early Years Finance (England) regulations set out the Dedicated Schools Grant (DSG) framework for the provision of funding for 2, 3 and 4 years old in nursery settings.
- 7.2 The local funding formula for 2 year olds in nursery settings was approved by Cabinet Member and endorsed by Schools Forum in February 2017. The funding provided by the City Council for an eligible 2 year old, taking up the full 15 hour per week entitlement of funded childcare provision over 38 weeks, would amount to £2,867 per annum.
- 7.3 Where there is an increase in the number of 2, 3 or 4 years olds in nursery settings funded through the local funding formula, and they are taking up

their entitlement at the time of the census count, then additional funding will be provided by the DfE through the DSG.

- 7.4 For avoidance of doubt no provision has been made under the authorities capital programme for any capital works that may be associated with the change in age range and it is expected that the pupils will be accommodated within the existing capacity of the school.
- 7.5 The expansion of a nursery provision is not an eligible use of the mainstream growth fund.

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Signed by:

**Appendices:**  
**None**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by: