

Title of meeting: Cabinet Member for Education

Date of meeting: 16th October 2017

Subject: Change of age range at Cottage Grove Primary School
outcome of statutory Consultation

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

Report by: Caroline Corcoran, Head of Sufficiency, Participation and
Resources

Wards affected: St Thomas

Key decision: No

Full Council decision: No

1. Purpose of report

1.1 This report sets out the outcome of the statutory consultation which is being undertaken between 19th September 2017 and 16th October 2017 on the proposal to change the age range of Cottage Grove Primary.

2. Recommendations

2.1 It is recommended that the Cabinet Member:

- **consider the response to the statutory consultation carried out on the proposal to change the age range of Cottage Grove Primary School**
- **approve the proposal to change the age range of Cottage Grove Primary School**
- **authorise the Director for Children’s Services to implement the proposal so that Cottage Grove Primary school becomes a school for pupils aged 2 to 11 years of age from 1st November 2017**

3. Background

3.1 The nursery at Cottage Grove Primary School provides free sessional early years education for local families under the Ofsted registration of the school. As the age range of the school is 3 to 11 years, children are currently admitted to

the nursery from age 3 and so the nursery is unable to meet the needs of local families who are eligible for two year old nursery funding.

3.2 The Governing Body of Cottage Grove Primary School requested a change to the age range of the school to 2 to 11 years to enable the school nursery to offer nursery provision to children from age 2 in order to meet the needs of parents seeking an approved childcare provider.

3.3 As Cottage Grove is a community maintained primary school, a change of age range is a prescribed alteration governed by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The Local Authority would be the proposer and the decision maker for this alteration. The prescribed alteration has to follow a statutory process which has the following 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.

3.4 On 14th September 2017 the Cabinet Member for Education authorised the Director of Children's Services to proceed with the publication of the proposal and the representation stage of the process.

3.5 The four week formal representation period started on 19th September 2017 with the publication of the required public notice in The News. The formal consultation has been conducted in line with the current statutory guidance and will end on 16th October 2017. If the change is approved it would be implemented on 1st November 2017.

4. Reasons for recommendations

4.1 There are a number of two year old children who live locally to the school that are entitled to 15 hours of government funded childcare. This childcare has to be

provided by an approved childcare provider. As Cottage Grove is an approved provider, the proposed change to the age range of the school would allow the school to offer childcare provision for some of these children thereby meeting these needs of families living in the locality.

- 4.2 To date no comments on this proposal have been received. An update on any comments received after publication of this report will be presented at the 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 Cottage Grove Primary 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 paragraphs 3.3 - 3.5 of this report and it is within the Cabinet Member's powers to approve the recommendations.
- 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 the 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 olds in nursery settings.
- 7.2 The local funding formula for 2 year olds in nursery settings was approved by the Cabinet Member for Education and endorsed by the Schools Forum in February 2017 and is subject to review on an annual basis. Currently, an eligible 2 year old in Portsmouth, taking up the full entitlement of 15 hours per week for 38 weeks of the year, attracts £2,867 per year.

- 7.3 The Early Years element of the DSG is based on participation, as evidenced by the census count. Any increase in take up of entitlement by 2, 3 and 4 years olds will attract additional DSG funding.
- 7.4 It expected that any additional pupils attracted to the nursery provision as a result of the change in age range will be accommodated within the existing capacity of the school. There is no provision within the authority's capital programme for any capital works. Furthermore, the expansion of nursery provision is not an eligible use of the mainstream growth fund within the DSG.

Signed by: Alison Jeffery, Director of Children, Families and Education

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

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Signed by: