



Title of meeting: Cabinet Member for Education

Date of meeting: 15th January 2018

Subject: Change of age range for the Willows Centre for Children

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: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 The purpose of this report is to seek approval to commence the statutory process to change the age range of Willows Centre for Children from 2 - 5 year old pupils to 2 - 7 year old pupils. This will allow the school to provide specialist education to year 1 pupils with an appropriate Education Health & Childcare Plan (EHCP).

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 proposals to change the age range of Willows Centre for Children School and Nursery to 2 - 7 years.

3. Background

- 3.1 The Willows Centre for Children offers integrated education and care for children from 3 months to 5 years. The setting has 42 full time spaces for nursery and reception pupils with Special Educational Needs (SEN). In addition, there is privately funded day care provision for children aged 3 months to 4 years from the local community.

- 3.2 Many of the pupils with Special Educational Needs will continue their education in special schools in Portsmouth (primarily Cliffdale Academy and Mary Rose Academy) when they leave the school at the end of year R.
- 3.3 Portsmouth is experiencing an increase in demand for places in infant level specialist provision, particularly for children with more complex needs. Demand for year 1 places in special schools will be greater than the number of places currently available by September 2018. If additional places cannot be provided in schools within the City, some pupils may have to be placed in specialist provision outside of the City. However there are very few places available in special schools in neighbouring local authorities, who are also experiencing an increase in demand. In addition, placement of very young children outside of the city for their education is not desirable if their needs can be met locally. Furthermore these placements could be more costly and the Local Authority (LA) would have to pay to transport pupils to and from school at additional cost.
- 3.4 The LA Governing Body and Headteacher of The Willows Centre for Children are supportive of the change to the age range of the school, subject to the LA funding any necessary internal alterations to the building and the pupil numbers being sufficient to ensure financial viability of the school.

Statutory Process

- 3.5 Willows Centre for Children School is a community special school. A change of age range for a community special school is a prescribed alteration governed by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 3.6 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.
- 3.7 The LA is the decision maker and the statutory process for making prescribed alterations to schools has four stages which are described in the table below.

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.

Table 1. Statutory process for changes to maintained schools

3.8 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 Local Authority (LA) has identified a need for additional special school places for children who will be in year 1 in September 2018. A change to the age range of the school from 2 - 5 years to 2 - 7 years would allow The Willows to provide specialist education for year 1 pupils. The provision of year 1 places at the school would provide places within the city for pupils with SEN who might otherwise have to be placed in specialist provision outside of the City.
- 4.2 The Governing Body and Headteacher of the school are supportive of the changes.
- 4.3 If approved, stage 1 of the statutory process will commence with the publication of the proposals on 29th January 2018 followed by the four week statutory consultation which would end on Friday 26th February 2018. A report on the outcome of the statutory consultation will be brought to the March 2018 Cabinet Member for Education Decision 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.

6. Legal implications

- 6.1 Section 14 of the Education Act 1996 places a general duty on Local Authorities to secure that there are sufficient schools for providing primary and secondary school education, sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education and requiring them in particular to have regard to the need to secure that special educational provision is made for pupils with special educational needs. Section 315 of the Education Act 1996 requires local authorities to keep the arrangements for SEN provision made by them under review. These proposals will assist the Local Authority in meeting these statutory duties.
- 6.2 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 3.7 - 3.8 of this report.
- 6.3 There is no statutory requirement for a pre-publication consultation period for this prescribed alteration but there is an expectation within the 2016 statutory guidance that Local Authorities and schools will consult interested parties in developing their proposal, prior to publication. The Local Authority will be the decision-maker of this proposal and it must satisfy itself that before the final decision is made, appropriate consultation has been carried out.
- 6.4 Under Part 2, Section 3, of the City Council's constitution the Cabinet Member for Children & Education has the authority to approve the recommendations set out in this report

7. Director of Finance's comments

- 7.1 7.1The School and Early Years Finance (England) regulations set out the Dedicated Schools Grant (DSG) framework for the provision of funding for pupils special educational needs and disabilities placed in a specialist high needs setting.
- 7.2 The local funding formula for Willows Centre for Children is based on 42 places, with additional "Element 3 Top-up" funding according to the pupils assessed level of need which is paid from the date the pupil starts the school.
- 7.3 The proposal to increase the age range of the pupils to include year one will provide greater surety of "Element 3 Top-up" funding as the pupils in this age group are more likely to start school at the beginning of the autumn term when compared to pupils in reception and nursery classes who could have staggered admission dates.
- 7.4 As the Council sets the DSG budget on the assumption that the school will be full from the beginning of the academic year, the change in age range is not expected to impact on the budgeted funding.
- 7.5 For avoidance of doubt no commitment 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 any Year 1 pupils will be accommodated within the existing capacity of the school.
- 7.6 The expansion of a Specialist provision is not an eligible use of the mainstream growth fund.

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Signed by:

Appendices:

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
Statutory guidance: School organisation: local-authority-maintained schools	https://www.gov.uk/government/publications/school-organisation-maintained-schools

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

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Signed by: