

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

**Date of meeting:** 21<sup>st</sup> March 2018

**Subject:** Change of age range at Penhale Infant School and Nursery  
- outcome of statutory consultation

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

**Report by:** Caroline Corcoran, Head of Sufficiency, Participation &  
Resources, Education Service

**Wards affected:** Fratton

**Key decision:** No

**Full Council decision:** No

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**1. Purpose of report**

1.1 This report sets out the outcome of the statutory consultation which was undertaken between 13<sup>th</sup> January 2018 and 10<sup>th</sup> February 2018 on the proposal to change the age range of Penhale Infant School and Nursery.

**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 Penhale Infant School and Nursery**
- **authorise the Director for Children, Families and Education to implement the proposal so that Penhale Infant School and Nursery becomes a school for pupils aged 2 to 7 years of age from 1st April 2018**

**3. Background**

3.1 The nursery at Penhale Infant School provides free sessional early years education for local families under the Ofsted registration of the school. As the designated age range of the school is 3 to 7 years, children can only be 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 Penhale Infant School and Nursery requested a change to the age range of the school from 3 to 7 years to 2 to 7 years, to enable the school nursery to offer nursery provision to children from age 2 and to meet the needs of parents seeking an approved childcare provider.

3.3 As Penhale Infant School and Nursery is a community maintained infant 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:

<b>Stage</b>	<b>Description</b>	<b>Timescale</b>	<b>Comments</b>
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 7<sup>th</sup> December 2017 the Cabinet Member for Education authorised the Director of Children, Families and Education 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 13<sup>th</sup> January 2018 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 ended on 10<sup>th</sup> February 2018. If the change is approved it would be implemented on 1<sup>st</sup> April 2018.

#### **4. Reasons for recommendations**

4.1 This proposal would increase the number of childcare places in approved childcare provision available for 2 year old children in the City.

4.2 No comments on this proposal have been received.

## **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 and Nursery 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 3.3 of this report.
- 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. It is within the Cabinet Member's powers to approve the recommendation.

## **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 from 1 April 2018 was approved by Cabinet Member and endorsed by Schools Forum in January 2018. 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 authority's 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 eligible an 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
Statutory Guidance - "Making 'prescribed alterations' to maintained schools"	<a href="https://www.gov.uk/government/publications/school-organisation-maintained-schools">https://www.gov.uk/government/publications/school-organisation-maintained-schools</a>

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

.....  
Signed by: