

Title of meeting: Cabinet Member for Education

Date of meeting: 21st March 2018

Subject: Change of age range at Willows Centre for Children - outcome of statutory consultation

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

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

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 This report sets out the outcome of the statutory consultation which was undertaken between 29th January 2018 and 26th February 2018 on the proposal to change the age range of Willows Centre for Children.

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 Willows Centre for Children**
- **authorise the Director for Children, Families and Education to implement the proposal, so that Willows Centre for Children becomes a school for pupils aged 2 to 7 years of age from 1st September 2018.**

3. Background

- 3.1 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) aged 3 to 5 years. In addition, there is privately funded day care provision for children aged 3 months to 4 years from the local community.

3.2 The Council has proposed a change in age range for Willows Centre for Children in order to provide additional specialist Year 1 places in September 2018 to meet increased demand. Demand for Year 1 places in special schools in September 2018 will be greater than the number of places currently available.

3.3 As Willows Centre for Children is a community maintained special 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 is required 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 15th January 2018 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 29th 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 26th February 2018. If the change is approved it would be implemented on 1st September 2018.

4. Reasons for recommendations

4.1 Portsmouth is experiencing an increase in demand for places in infant level specialist provision, particularly for children with more complex needs. 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.

- 4.2 Changing the age range of Willows Centre for Children to 2 - 7 years would allow the Council to commission Year 1 places at the school for September 2018.
- 4.3 As shown in appendix 2, 87.5% were in favour of the proposal. During the consultation period, on 13th February 2018, Full Council approved £400,000 of capital funding for building adaptations at Willows Centre for Children. The building adaptations have been developed closely with school staff to ensure that the pupil age range change is managed effectively. Works will be undertaken and completed before September 2018

5. Representations

- 5.1 The proposal was published in The News on 29th January 2018 and the representation period ran for four weeks.
- 5.2 The consultation document, attached as Appendix 1, was sent to the parents / carers of all pupils and staff shortly after the consultation opened. Consultation meetings for staff and parents/ carers were held during the week beginning 19th February 2018.
- 5.3 The consultation meetings provided an opportunity to find out more about the proposal and to ask questions or put forward views. Education Officers from the Local Authority attended these meetings.
- 5.4 Details of the responses received by 26th February 2018 are set out in Appendix 2. Of the 32 responses received, 28 (87.5%) responses were in favour of the proposal.
- 5.5 Copies of the response forms received are available for reference.

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 paragraph 3.3 of this report.
- 6.3 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. The Cabinet Member must consider the views of those affected by the proposals or who have an interest in them. Decision makers should not simply take account of the numbers of persons expressing a view but should consider giving the greatest weight to those stakeholders who are most directly affected by the proposals. The cabinet member should review the representations, shown in Appendix 2, and decide whether any significant issues are raised which have not previously been considered or addressed and whether any give good cause not to proceed with the proposals.
- 6.4 The determination of the proposals must be made within the period of 2 months of the end of the representation period. 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 The 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 including those 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 The Cabinet programme for 2018-19 agreed at Full Council on 13 February 2018 contained funding for an additional 8 year 1 places from September 2018 and a further 4 places from September 2019, at a total cost of £400,000.
- 7.5 At the Cabinet Member meeting on 15 January 2018 the DSG budget was approved including a commitment to fund 42 places and associated "Element 3 top-up" for Willows centre for Children. Should the total of places increase in line with the Capital proposals the financial impact of the place and Element 3 Top-up funding from the DSG would be £140,600 in 2018-19, the full year effect of the 8 places plus the additional 4 places from September 2019 would be £311,200 in 2019-20.
- 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:

- APPENDIX 1: Consultation Document
- APPENDIX 2: Consultation Responses

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
Stautory Guidance - "Making 'prescribed alterations' to 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 on

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Signed by: