

Title of meeting:	Cabinet Member for Education
Date of meeting:	Tuesday 11 th September 2018
Subject:	Change of age range for Portsdown Primary School
Report from:	Alison Jeffery, Director of Children, Families and Education
Report by:	Caroline Corcoran, Head of Sufficiency, Participation and Resources
Wards affected:	Paulsgrove
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 Portsdown Primary School from 3 to 11 years to 4 to 11 years.

2. Recommendations

- 2.1 It is recommended that the Cabinet Member
 - authorise the Director for Children, Families and Education to proceed to the representation stage of the statutory process by publishing a proposal to change the age range of Portsdown Primary school from 3 to 11 years to 4 to 11 years.

3. Background

- 3.1 Portsdown Primary School is a two form entry primary school in Paulsgrove. The school also has term time pre-school provision for pupils aged from 2 years of age. Currently the pre-school is administered in two parts:
 - The provision for **three and four year old children** is operated as school nursery classes with the children attending being included in the schools census as pupils of the school.
 - The provision for **children aged two** is a separately registered pre-school which is operated under the governing body's community powers. The early years' provision at Portsdown Primary school was judged to be Outstanding by Ofsted in May 2018.

- 3.2 The Governing Body of Portsdown Primary School has formally resolved to change the age range of the school from 3 to 11 years to 4 to 11 years. This would enable the school to offer **all pre-school provision from a single pre-school setting**. The pre-school setting would be operated by the school governing body and would simplify the administration of education for early years children whilst continuing to offer good quality early years' education.
- 3.3 When four year old pupils leave the pre-school setting they will become pupils on roll in Year R of a mainstream school at the start of the school academic year in which they become 5 years old. It is assumed this would be Portsdown Primary School, but this would be subject to admission arrangements.
- 3.4 The rationale for the change is financial stability. A change of school age range to move the provision for three and four year old pre-school children into the pre-school would provide the school governing body with the flexibility to make changes to the staffing at some point in the future, should they wish to do so.
- 3.5 The statutory staffing levels for the two different types of provision are as follows:
- a) Where children aged three and over are educated in **nursery classes in maintained schools**:
- there must be at least one member of staff for every 13 children
 - at least one member of staff must be a qualified school teacher
 - at least one other member of staff must hold a full and relevant level 3 qualification.
- b) Where a school governing body operates **childcare as a community provision** where three and four year olds are not pupils of the school, there is no requirement for a member of early years' staff to be a qualified teacher. The childcare provision can either:
- operate with a 1:13 staff : pupil ratio where a person with a suitable level 6 qualification is working directly with the children
- or
- a 1:8 ratio where a person with a suitable level 6 qualification is not working directly with children but at least one member of staff present holds a level 3.

4. Statutory Process

- 4.1 Portsdown is a community maintained primary 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.
- 4.2 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 1 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.
- 4.3 The LA is the decision maker for a proposal to change the age range of a community school.
- 4.4 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.

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

5. Reasons for recommendations

- 5.1 The Governing Body of Portsdown Primary School has approached the Council with a request to change the age range of the school from 3 to 11 years to 4 to 11 years.
- 5.2 The school will continue to offer pre-school provision for local children from the age of two under the governing body's community powers. There will be no change to the quality of the early years education that is provided. The change will simplify the administration of the provision, help to make the provision more sustainable and allow it to be more flexible and adaptable in future.
- 5.3 If approved, stage 1 of the statutory process will commence with the publication of the proposal on 17th September 2018 followed by the four week statutory consultation which would end on 14th October. A report on the outcome of the statutory consultation will be brought to the November Cabinet Member for Education Meeting

6. Equality impact assessment

- 6.1 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 Portsdown Primary School will affect all parents in the area equally.

7. Legal implications

- 7.1 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 community maintained school. The stages of the statutory process are set out in paragraph 4.4 of this report.
- 7.2 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 and that the statutory proposal is published in accordance with the Regulations and statutory guidance.
- 7.3 Under Part 2, Section 3 of the City Council's constitution the Cabinet Member for Education has the authority to approve the recommendation set out in this report.

8. Director of Finance's comments

- 8.1 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 and pupils in the reception class to year 11 attending mainstream schools.
- 8.2 The local funding formula for 2, 3 and 4 year olds in nursery settings 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 and for a 3 or 4 year old child, would amount to £2,588 per annum. Therefore a change in age range will not impact on the funding received by the school for 2, 3 and 4 year old pupils.
- 8.3 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 January census count, then additional funding will be provided by the DfE through the DSG.
- 8.4 The local funding formula for mainstream, schools was agreed by the Cabinet Member for Education in January 2018 and is based on the October 2017 census. The census information indicates that the number of pupils attending reception class totalled 63, which matched the total number of 4 years olds recorded on the census. This would indicate that a change in age range would be unlikely to impact on the funding received by the school through the mainstream funding formula.
- 8.5 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.
- 8.6 The reorganisation of a nursery provision is not an eligible use of the mainstream growth fund.

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

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 DfE guidance: Statutory framework for the early years foundation stage	Website https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/596629/EYFS_STATUTORY_FRAMEWORK_2017.pdf
Statutory DfE guidance: Making 'prescribed alterations' to maintained schools	Website https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/514548/16-04-06_FINAL_SO_Guidance_PA_Regs.pdf

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

.....
 Signed by: