

Open Report on behalf of Debbie Barnes, Interim Executive Director of Children's Services

Report to:	Councillor Mrs P A Bradwell, Executive Councillor for Children's Services and Lifelong Learning
Date:	11 July 2012
Subject:	Proposal to amend the age range from 3-11 years to 4-11 years at Grantham Belton Lane Community Primary School
Decision Reference:	02027
Key decision?	Yes

Summary:

The proposal under consideration is to amend the age range from 3 - 11 years to 4 - 11 years at Grantham Belton Lane Community Primary School. It is the Local Authority's (LA) statutory duty to maintain a sufficient number of early years places in Lincolnshire. The LA works with the maintained sector and also private, voluntary and independent providers to fulfil this duty. The designated nursery class at the school has been closed for 2 years and the LA believes that the provision of a LA maintained nursery class is no longer necessary at Belton Lane Community Primary School. This proposal will lead to the removal of the nursery class at the school but there will continue to be sufficient early years places in the area to ensure adequate provision and choice for parents in Grantham. This proposal will not affect the existing voluntary child care provider, The Pre-school Learning Alliance, which will continue to operate from the school site as it does now.

The LA, in collaboration with the school governors, is co-ordinating the process following statutory guidelines [see the Department for Education (DfE) guide "Making Changes to a Maintained Mainstream School" in Appendix A] and under the terms of the Education and Inspections Act (EIA) 2006 as updated by the Education Act 2011. Consultation commenced on 3 February 2012 with a seven week period of consultation which closed on 23 March 2012 and is further referred to later in this report in the Consultation section. A summary of written responses received is also attached as Appendix B. This was followed by the publication of a Statutory Notice (Appendix C) on 4 May which initiated a 6 week Representation Period giving a further opportunity for people and organisations to express their views in order that they may be taken into consideration when the final decision is taken by the Executive Councillor in July. No submissions were received during the Representation Period.

The process is now entering the final stage when the LA, as decision maker, must take the final decision regarding the proposal. This report advises the Executive Councillor on making the final decision regarding the amendment of

the age range at Grantham Belton Lane Community Primary School from 3 - 11 years to 4 - 11 years and therefore formally confirming the removal of the designated nursery class at the school.

Recommendation(s):

Following the completion of the statutory process, in accordance with current legislation, the Executive Councillor is recommended to take the final decision to approve the proposal to amend the age range at Grantham Belton Lane Community Primary School from 3 - 11 years to 4 - 11 years with effect from 1 September 2012.

Alternatives Considered:

1. That the proposal to amend the age range is not approved. This would mean that the school would continue as it is currently with an age range of 3 - 11 years and the designated nursery class would have to be re-opened to avoid the LA being in breach of statutory duty. Under statutory guidelines a prescribed alteration, such as this amendment to the age range, can only be in force for a maximum of two years as a temporary measure before formal proposals are determined.

However, the above alternative would have the following disadvantages:

As detailed in this report, this would not be a financially viable option for the school as it is unlikely that any pupils would attend this class as most access the provision at The Pre-school Learning Alliance on the school site.

This would not represent best use of the LA's resources as this provision would have to be funded if re-opened and there would be a surplus of early years places in Grantham.

Reasons for Recommendation:

To ensure that the LA meets its statutory duty to maintain a sufficient number of early years places in Lincolnshire.

To ensure that the LA fulfils its statutory duty of determining a statutory proposal on a prescribed alteration to a school that has been in place for a temporary period of two years.

To ensure that there is not excessive surplus of early years provision as this would not represent the best use of the LA's resources. A surplus of provision would not support the Council's objectives as outlined in Value for Money Principles.

To ensure that the provision of early years places in the locality is sustainable.

1. Background

The designated nursery class at the school closed temporarily in September 2010 as it was unsustainable at that time. It was agreed that this would be reviewed after a period of two years. Space on site has already been made available under lease to a voluntary private provider.

Analysis of the sufficiency data shows that there is not the requirement for the school to have a designated nursery class in addition to the provision which is available on site and elsewhere in the locality. Also, the school is not in a position to be able to financially sustain nursery provision without causing an adverse impact on the school as a whole. This proposal will lead to the removal of the nursery class at the school but there will continue to be sufficient early years places in the area to ensure adequate provision and choice for parents in Grantham. This proposal will not affect the existing voluntary child care provider, The Pre-school Learning Alliance, which will continue to operate from the school site as it does now.

Reaching the decision – Preliminary Considerations

The requirements for decision making relating to the amendment of the lower age limit at a primary school are set out in the guide “Making Changes to a Maintained Mainstream School” published by the DCSF (now the DfE). A copy is attached as Appendix A.

The guide sets out certain checks that the decision maker should follow before proceeding to take a decision. These are addressed below:

- (i) Is any information missing? It is considered that there is no information missing and that the Executive Councillor has before her the information that is required to enable a decision to be reached.
- (ii) Is the proposal related to other published proposals? The answer to this is no.
- (iii) Do the published notices comply with statutory requirements and has the statutory consultation been carried out prior to the publication of the notices? The statutory notice was published in accordance with section 19(3) of the EIA 2006. Consultation must, and has, included all parties specified within the relevant sections of the EIA 2006 including children, staff, parents/carers, the Diocese and other interested parties listed in Appendix D.

Factors to be considered by Decision Makers

In reaching a decision the Executive Councillor must have regard to statutory guidance issued by the Secretary of State as detailed in the attached guide in Appendix A and referred to in the following paragraphs. The Complete Proposal

also includes information which must be considered, together with feedback from consultees received throughout the entire process, and a copy of this document is attached as Appendix E.

A System Shaped by Parents

The Government's aim is to create a schools system shaped by parents which delivers excellence and equity. As the designated nursery class at the school has been closed for 2 years the LA does not expect this proposal to have any impact on the quality of provision offered both to primary and nursery age pupils in Grantham.

The Executive Councillor must take into account the extent to which the proposal is consistent with the LA's duty to secure diversity in provision; increase opportunities for parental choice and to respond to representations from parents. There were no submissions from parents in the Representation Period. Of the total of 5 written valid responses received in the consultation period there was only 1 response from a parent who was against the proposal. All responses have been made available to the Executive Councillor and must be fully considered. There are sufficient early years places in the area which offer choice and diversity for parents and their children.

Standards

The Executive Councillor should be satisfied that the proposal will contribute to raising local standards of provision and will lead to improved attainment for children and young people paying particular attention to the effect on groups that under-perform with the aim of narrowing attainment gaps. The latest Ofsted report for the existing voluntary child care provider, The Pre-school Learning Alliance, published in 2011 recognised the good early years provision which will continue to be provided there.

Diversity

The Executive Councillor should take into account how proposals will impact on local diversity, considering the range of provision in the area and how the proposal will ultimately impact on the aspirations of parents and help raise local standards and narrow attainment gaps.

There will remain significant diverse provision in the area to meet the aspirations of children and parents. The LA believes that approving this proposal will not have a negative impact on the range of provision in the area.

Every Child Achieving their Potential

The Executive Councillor should consider how the proposal will help every child and young person achieve their potential. The LA believes that the proposal will meet this criterion by ensuring the best use of resources available within the budget for early years provision and also by helping to ensure the sustainability of provision within the locality.

Equal Opportunity Issues

The Executive Councillor should consider whether there are any sex, race or disability discrimination issues that arise out of the proposed amendment. There needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all.

There are no sex, race or disability discrimination issues arising from this proposal. The LA will continue to be committed to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all.

Need for Places – Provision for Displaced Pupils and Creating Additional Places

Where a proposal removes places the Executive Councillor must be satisfied that there is sufficient capacity to accommodate displaced pupils. Where a proposal creates additional places the Executive Councillor should consider whether there is a need for expansion and whether this will unnecessarily produce excess surplus capacity.

No children will be displaced by this proposal nor will it create any additional places.

Travel and Accessibility for All

The Executive Councillor should be satisfied that facilities are accessible by being located close to those who will use them and that proposed changes do not adversely impact on disadvantaged groups. Proposals should not have the effect of unreasonably extending journey times or increasing transport costs or result in too many children being prevented from travelling sustainably due to unsuitable routes. As nursery provision will continue to be available on the school site through the existing voluntary child care provider, The Pre-school Learning Alliance, there will be no impact with regard to travel and accessibility.

Funding and Land

There is no requirement to meet the criteria under this section as the proposal does not impact on any land, premises or capital issues. However, if the proposal is approved this is likely to secure a more efficient use of the Dedicated Schools Grant than if the designated nursery class has to be re-opened and therefore the approval of the proposal will offer improved value for money.

Special Educational Needs (SEN) Provision

The Executive Councillor should consider the impact of the proposal on the Special Educational Needs (SEN) provision taking into consideration statutory guidance and be assured that the proposal will enable all children to fulfil their potential.

If the proposal is approved there is likely to be no negative impact with regard to SEN provision as nursery provision will continue to be available on the school site through the existing voluntary child care provider, The Pre-school Learning Alliance.

The LA will continue to ensure suitable provision for all children with special educational needs and is committed to look for ways to make improvements in the standard, quality and/or range of the education provision for all children with SEN in line with the Special Educational Needs Test.

Views of Interested Parties

The Executive Councillor should consider the views of all those affected by, or who have an interest in, the proposal. This includes statutory objections and comments submitted during both the consultation phase and the Representation Period. The Executive Councillor should not simply take account of the numbers of people expressing a particular view when considering representations made but should give the greatest weight to representations from those stakeholders most likely to be directly affected by the proposal. All responses to the consultation period have been made available to the Executive Councillor (Appendix B) and are also referred to later in the Consultation section of this report. There were no responses received during the Representation Period.

The Decision

In considering the proposal the Executive Councillor can

- reject the proposal
- approve the proposal
- approve the proposal with a modification (e.g. the implementation date) or
- approve the proposal subject to meeting a specific condition

It is not recommended that the Executive Councillor lays down any specific conditions and therefore the 'Alternatives Considered' section at the start of this report simply deals with the rejection or approval of the proposal.

All decisions must give reasons for the decision, including the main factors and criteria, whether the proposal is accepted or rejected.

2. Conclusion

The LA believes this proposal to be in the best interests of local children and parents as well as the school. It also enables the LA to fulfil its statutory obligation to maintain a sufficiency of early years places in Lincolnshire.

A final decision is required from the Executive Councillor as to whether to approve the proposal. The factors to consider in making this decision are within this report and all valid responses received during both the consultation phase and the Representation Period must be considered. There were no responses submitted

during the Representation Period and the responses received in the consultation period are summarised in Appendix B.

3. Legal Comments:

The legal issues to be taken into account in the making of this decision, which is within the remit of the Executive Councillor, are fully set out in the report.

4. Resource Comments:

The recommendation in the report will help the school to ensure that it can use its delegated budget effectively in future years. The decision has limited financial implications for the Local Authority, as schools are funded via the Dedicated Schools Grant.

5. Consultation

In order for the age range to be amended at the school the LA must follow the necessary statutory legal processes as required by the Secretary of State in accordance with the EIA 2006, the Education Act 2011 and the guidance of the DfE as detailed in the attached appendix. (Appendix A)

Under these guidelines the LA must ensure that sufficient time and information are provided for people to understand and form a view on the proposal and make a response. The consultation documentation must set out the problem that is being addressed and invite comment on one or more solutions. The LA must explain the decision making process and take all reasonable steps to draw the consultation to the attention of all those who might be interested and take into account their views.

The Education Act 2002 states the requirement for current pupils to be consulted and this was further extended by subsequent legislation to also include all pre-school children over the age of 3. The Head teacher has consulted with the children currently attending the school by explaining how the proposal may affect their school. The EIA 2006 specifically includes as interested parties the registered parents of registered pupils at the school and also the appropriate District and Parish Councils for the area. The list of interested parties was compiled according to statutory guidelines comprising as wide a range of consultees as practicable and including parents, the Chief Executive of the District Council, the Parish Clerk of the relevant Parish Councils as well as individual councillors as appropriate.

A letter (Appendix F) incorporating relevant information and reasons for the proposal was sent out to interested parties (listed in Appendix D) on 3 February 2012 to commence a seven week period of consultation. There was the opportunity to provide a response to the consultation by letter, email or by returning the response form (Appendix G) attached to the consultation document by 23 March 2012. Copies of the letter commencing consultation and the response form were also published on the County Council website under the webpage Current Consultations on www.lincolnshire.gov.uk/provisionplanning

The written responses received during consultation have been provided to the Executive Councillor for consideration and further details are confirmed in this report in Appendix B. To briefly summarise, however, there were 5 valid responses in total with 2 supporting the proposal, 1 against and 2 expressing views neither in favour nor against the proposal. There was only 1 response from a parent which was against the proposal.

Following the completion of the consultation period all feedback was considered with a full report (which is referred to in the Background Papers section below and will also be re-considered along with this report) by the Executive Councillor and a decision was taken on 18 April 2012 to proceed to Statutory Notice. A statutory 6 week Representation Period was entered into on 4 May 2012 commencing with the publication of a Statutory Notice (Appendix C) in the local press, at the school gates and within the local community. The Complete Proposal, available in paper and electronic format (Appendix E), to which the Statutory Notice refers was sent to interested parties as detailed in the statutory guidance and was also published on the website www.lincolnshire.gov.uk/provisionplanning. The Representation Period provides a further opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken by the Executive Councillor in July. There were, however, no responses were received during the Representation Period.

The next stage of the process is the final decision. Under current legislation the LA is the decision maker for the proposal and is co-ordinating the statutory process before making a decision at the end of the process in July 2012. The LA, as decision maker, must be able to show that all relevant issues raised have been taken into consideration in the decision making process. Points raised can be considered unpersuasive but must not be ignored altogether.

The last stage of the statutory process would be the implementation of the proposal with the amendment to the age range at Grantham Belton Lane Community Primary School coming into effect from 1 September 2012 if the proposal is approved.

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

This has not been considered by a scrutiny committee.

d) Policy Proofing Actions Required

An Impact Analysis has been completed and is attached as an appendix to this report (Appendix H). In summary the analysis indicates there is minimal potential, if any, for negative impact arising out of the approval of this proposal. However, the benefits following the implementation of the proposal offer the potential for

positive impact for parents, local children, the school and the LA.

Apart from its obligations to consider the statutory guidance referred to the Council also has obligations under the Equality Act 2010 which must be taken into account by the Executive Councillor when coming to a decision.

The Council must, in the exercise of its functions, have due regard to the need to:

(1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: s 149(7).

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

The Council believes that this proposal will not lead to any discrimination and that in recommending the proposal the Council is having due regard to its obligations under The Equality Act.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	DfE guide "Making Changes to a Maintained Mainstream School"
Appendix B	Summary of written responses to the consultation phase
Appendix C	Statutory Notice
Appendix D	List of Interested Parties
Appendix E	Complete Proposal
Appendix F	Letter to commence consultation
Appendix G	Consultation Response Form
Appendix H	Impact Analysis

7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Proposal to amend the age range from 3 - 11 years to 4 - 11 years at Grantham Belton Lane Community Primary School	Lincolnshire County Council Committee Records Reference 02026 18 April 2012

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