

## ***Delegated Decisions by Cabinet Member for Education***

***Monday, 10 December 2012 at 12.00 pm  
County Hall, Oxford OX1 1ND***

### ***Items for Decision***

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on Wednesday 19 December 2012 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

**These proceedings are open to the public**



Peter G. Clark  
County Solicitor

November 2012

**Contact Officer:** **Deborah Miller**  
Tel: (01865) 815384; E-Mail: [deborah.miller@oxfordshire.gov.uk](mailto:deborah.miller@oxfordshire.gov.uk)

**Note:** *Date of next meeting: 7 January 2013*

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

## Items for Decision

### 1. **Declarations of Interest**

### 2. **Questions from County Councillors**

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

### 3. **Petitions and Public Address**

### 4. **Stanton Harcourt Primary School : Alteration of Lower Age Range and Merging with Preschool - Stage Two** (Pages 1 - 4)

*Forward Plan Ref: 2012/104*

*Contact: Debbie Rouget, Early Years & Child Care Sufficiency & Access Manager*

*Tel: (01865) 810617*

Report by Director for Children's Services (**CMDE4**).

The statutory notice for the proposed change of age range at Stanton Harcourt school by reducing the age range from 4-11 to 3-11 by the addition of a nursery class/ Foundation Stage Unit was issued on 28 September 2012. The statutory period expired on 9th November and no objections were received.

The Cabinet Member for Education is asked to consider the proposal as the 'decision-maker' under the Education & Inspections Act 2006. This requires consideration of the proposal against the factors that must be considered as laid down in statutory guidance. The responses received as part of the informal consultation which were reported to the meeting where the publication of statutory notices was agreed (10 September 2012) are available. The report requires the cabinet member to reject the proposal or approve it, or approve it with a modification or subject to meeting a specific condition.

***The Cabinet Member for Education is RECOMMENDED to either:***

- (a) reject the proposals;***
  - (b) approve the proposals;***
  - (c) approve the proposals with a modification (e.g. the proposal implementation date); or***
  - (d) approve the proposals subject to them meeting a specific condition.***
-

This page is intentionally left blank

Division(s):

## **CABINET MEMBER FOR EDUCATION – 10 DECEMBER 2012**

### **STANTON HARCOURT CE PRIMARY – EXTENSION OF AGE RANGE OF THE SCHOOL BY THE ADDITION OF AN FSU**

**Report by Director for Children's Services**

#### **Introduction**

1. The Cabinet Member for Education at her meeting on 10 September 2012 agreed to the publication of a statutory notice to extend the age range of the school by the addition of a Foundation Stage Unit following a period of informal consultation. This has the effect of changing the age range of the school from 4-11 to 3-11.
2. The notice was published in the Witney Gazette on 3 October 2012 and expired following 6 weeks of formal consultation on 9 November 2012 (Annex 1). In accordance with legislation the notice was posted at the school gate from 28 September 2012 and the local library. A copy of the full proposal (attached Annex 2) and the notice was sent to the school's governing body and the Secretary of State. Local councillors were invited to the consultation and to view a copy of the notice.
3. The decision-making power in terms of determining the Notice now lies with the Cabinet or can be delegated to the Cabinet Member for Education (if there have been no objections). In meeting as 'decision-maker' the Cabinet or Cabinet Member must have regard to government guidance and statutory timescales otherwise a decision can be referred to the independent Schools' Adjudicator for reconsideration. The Cabinet decision must be made within 2 months of the close of the notice period.
4. As no objections in relation to the proposal have been received, the decision is delegated to the Cabinet Member for Schools. The proposed implementation date is 1 April 2013. If the proposal is approved, the school will begin to allocate up to 30 pte FSU places to start in term 5 of the 2012/13 academic year.

#### **The Proposal**

5. The school currently admits children in the September after their 4<sup>th</sup> birthday. Younger children attend the local Blackditch Bunnies Pre-school, which is due to close in March 2013. The school proposes to open a nursery class to ensure continuity of provision for these children and to help improve standards on entry to year 1. The school is a medium sized community school with a current roll of including Foundation Stage.

## Legal Background

6. Changing the age range of a school is subject to statutory procedures, as established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) and The School Organisation and Governance (Amendment)(England)Regulations 2009. Local authorities also have a duty to have regard to statutory guidance, in this particular case 'Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals), ("the Guidance"). When reaching a decision, Cabinet or Member must have regard to The Guidance. The Cabinet Member is referred in particular to pages 19 to 37 of The Guidance.
7. In terms of reaching a decision all proposals should be considered on their merits but the following factors should be borne in mind but are not considered to be exhaustive. The Cabinet Member must be satisfied that the statutory consultation has been carried out prior to the publication of the notice. Details of the consultation should be included in the proposals. The Decision Maker must be satisfied that the consultation meets statutory requirements. If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.
8. **The effect on standards, school improvement and diversity.** The Government aims to create a dynamic system shaped by parents that delivers excellence and equality closing weak schools and encouraging new providers and popular schools to expand. Decision Makers should be satisfied that the proposals will contribute to raising local standards of provision and improved attainment and consider the impact on choice and diversity. They should pay particular attention to the effect on groups that tend to under-perform including children from certain ethnic minorities and deprived backgrounds. The decision-maker should consider how the proposals will help deliver the every child matters principles.
9. **School characteristics.** The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise and whether there is supporting evidence to support the extension and take into account the existence of capacity elsewhere. The decision-maker needs to consider the accessibility of the provision for disadvantaged groups as the provision should not unduly extend journey times or cost.
10. **Funding and land.** The decision-maker should be satisfied that any capital required to implement the proposals will be available

## **Financial and Staff Implications**

11. There are no staffing implications arising from this report. The Local Authority will donate a start-up grant of £9,000.

## **RECOMMENDATIONS**

12. **The Cabinet Member for Education is RECOMMENDED to either:**
  - (a) **reject the proposals;**
  - (b) **approve the proposals;**
  - (c) **approve the proposals with a modification (e.g. the proposal implementation date); or**
  - (d) **approve the proposals subject to them meeting a specific condition.**

### **JIM LEIVERS**

Director for Children's Services

Background papers:

Contact Officer: Debra Rouget, Sufficiency & Access Manager: early Years & Childcare

Background papers are available from the Contact Officer – or from Janine Foulkes-Williams, Senior Officer (Early Years Organisation) 01865 815181  
[Janine.foulkes-williams@oxfordshire.gov.uk](mailto:Janine.foulkes-williams@oxfordshire.gov.uk)

December 2012

This page is intentionally left blank