

CABINET – 26 FEBRUARY 2013

PROPOSAL TO ALTER THE LOWER AGE RANGE AT THREE OXFORDSHIRE PRIMARY SCHOOLS

Report by Director for Children's Services

Introduction

1. The following primary and nursery schools took part in a public consultation into a proposed restructuring of their legal status as detailed below:
 - Five Acres in Ambrosden near Bicester
 - John Hampden in Thame
 - West Kidlington

2. After the launch of the public consultation, the Governing Body of West Kidlington Primary and Nursery Schools took the decision not to proceed with the proposal, in order to look in more detail at potential other options available to them. West Kidlington therefore no longer forms a part of this proposal.

3. Currently, the Governing Bodies of each of Five Acres and John Hampden run both the primary and nursery schools on their relative sites. The nurseries are therefore federated with the primaries. The proposal is to merge each primary school with its federated nursery school. The legal mechanism to achieve this is to formally close each nursery school, and extend the age range of each primary school to include 3 year olds.

4. There are five statutory stages for a proposal to make such changes to a school:
 - i. Consultation;
 - ii. publication of a statutory notice;
 - iii. representation;
 - iv. decision;
 - v. implementation.

This proposal has completed the first consultation stage, and a decision is now sought as to whether to proceed to publication of statutory notices and representation.

The Proposal

5. The purpose of the proposal is to alter the lower age range of both Five Acres and John Hampden Primary Schools to allow them to in effect “merge” with their federated nursery schools, so that the pupils in the nursery classes are on the school roll. The nursery school as a separate establishment at each site would therefore no longer exist, but would have become “part of” its federated school. The proposal would therefore require the legal closure of each nursery school, although the services provided by each school would continue, under the same management as presently but with simplified administration.
6. The reasons for proposing this change are to consolidate each Governing Body’s financial responsibility into one budget where they currently must manage two. With a single budget to manage, funding could be directed toward priorities agreed upon across the whole school whereas currently for example, the primary budget cannot be spent on the nursery schools.
7. Additionally if the proposal is approved, only one Ofsted inspection would need to be carried out on each site, and only one set of data requested by the Department for Education would need to be returned by the school staff. This would release administrative and management time in each case.
8. Because of changes made in April 2011 by the DfE to the Early Years Single Funding Formula for nursery schools, there is now no financial advantage to running two establishments in parallel and the duplication of work and time would increasingly become an unnecessary financial drain on the respective Governing Bodies.
9. There would be no noticeable change as a result of this proposal for either the staff, children or parents. The change proposed is purely administrative in nature. No change to school admission rules would follow.

Representations

10. During the Stage 1 consultation phase (3 December 2012 – 28 January 2013) a consultation leaflet (Annex 1) was sent to parents of children at Five Acres Primary and Nursery Schools and John Hampden Primary and Nursery Schools. It was also distributed to local county councillors, and District and Town and Parish councils were contacted about the proposal. Partnership schools and early years providers in the area, libraries and other stakeholders (as detailed in statutory guidance on making changes to schools) were also contacted and details were available on the OCC public website, together with various ways of responding.
11. Twelve responses to the consultation were received. Nine respondents supported the proposal in principle, one of which was the Headteacher of a

local school, and one a Parish Council Chair. Two opposed the proposal in principle, but one of these had misunderstood the proposal and retracted their objection following explanation by a council officer.

12. The reasons given for supporting the proposal were:
- Financial benefits for both establishments
 - Time freed up for administrative work.
13. The concerns raised by the respondent that objected were:
- As a manager of an independent preschool on one of the school sites, the respondent was concerned that the nursery budget would be diverted to the primary school with a knock-on effect on the quality of opportunities for the nursery children.
 - The respondent was also concerned whether nursery staff would be required to “move to other areas of the school...affecting the stability of these very young children”.

The Headteacher at Five Acres has responded: “We are not planning to change any of the provision in the nursery as a result of these changes. Nursery staff will remain in the Nursery and will continue their roles as keyworkers with the pupils they currently have, until the end of the academic year when the majority of children will move into reception classes, with new key workers.”

The Headteacher at John Hampden has responded: “A school would be unlikely to change its arrangements regarding key worker staffing part way through an academic year so any changes would likely to be at the start of an academic year thus not causing instability for a cohort within the Nursery setting. Any children receiving more than three terms of Nursery provision would be well established and well on the way to independence in terms of functioning within the setting if a new academic year change was actually made. Our Nursery setting would use our contingency funding to maintain a status quo situation regarding all staffing for at least a year before making staffing change and by necessity only. The reasons for this would be that Nursery Schools have already invested time and money in training staff in the key worker systems that they use, so continuity would be an issue the schools themselves would want to resolve effectively and appropriately. Parents / carers would be given at least a term's notice before any changes would be made.

Officer comment: The proposal allows the governors to use the available funding they have access to more flexibly, so that changes to budgets can be absorbed or planned as efficiently as possible.

14. As an objection in relation to the proposal has been raised, the decision on whether to proceed to publish formal statutory proposals is referred to the Cabinet.

Making a Decision

15. Proposals to close or extend the age range of schools are 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 by The School Organisation and Governance (Amendments)(England) Regulations 2007 which came into force on 21 January 2008).. Local authorities also have a duty to have regard to statutory guidance, in this particular case 'Making Changes to a Maintained Mainstream School: A Guide for Local Authorities and Governing Bodies and 'Closing a Mainstream School: A guide for Local Authorities' ("the Guidance").
16. The Prescribed Alterations Regulations require proposers to consult interested parties and the Guidance lists these at paragraph 1.3. The Cabinet must be satisfied that the statutory consultation has been properly carried out prior to the publication of the notice. Annex 2 provides details of the County Council's consultation with interested parties that are required to be consulted with under the Prescribed Alterations Regulations. The period of consultation is not prescribed by legislation, although the Guidance recommends 6 weeks. The consultation period was in line with the Guidance having run from 3 December 2012 – 28 January 2013. The consultation was therefore carried out in accordance with the Prescribed Alterations Regulations.
17. Guidance on closing maintained schools states that *"In deciding whether to approve any proposals to close a nursery school, the Decision Maker should be aware that nursery schools generally offer high quality provision, and have considerable potential as the basis for developing integrated services for young children and families. There should be a presumption against the closure of a nursery school unless the case for closure can demonstrate that:*
 - a. *the LA is consistently funding numbers of empty places;*
 - b. *full consideration has been given to developing the school into a Sure Start Children's Centre, and there are clear, justifiable grounds for not doing so, for example: unsuitable accommodation, poor quality provision and low demand for places;*
 - c. *plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity and quality of early years provision provided by the nursery school with no loss of expertise and specialism; and that*
 - d. *replacement provision is more accessible and more convenient for local parents."*
18. This proposal, while legally closing the nursery schools, would continue to offer the same level of service at the same location, and therefore nursery provision will not change as a result of this proposal.

19. A decision is now required as to whether to publish formal proposals for the changes. If approved, a statutory notice would be published, followed by a formal representation period of six weeks. The decision-making power in terms of determining the notice will lie with the Cabinet, and a report will be put to the Cabinet Member for Schools Improvement if no representations are received, or to Cabinet if representations are received, for a final decision in due course.

Equality and Inclusion Implications

20. There are considered to be no implications for equality and inclusion as a result of this proposal. Should the mergers go ahead following statutory consultation, the same services will be provided in the same location.

Financial and Staff Implications

21. The direct financial implication of this report is the cost of the statutory process recommended, which is planned for and met within the normal CE&F budget provision. There are no financial implications or risks at this stage. If the proposal proceeds, following statutory consultation there would be another report to Cabinet in due course seeking a final decision on whether to implement the mergers as proposed.
22. The financial implications of this report are considered to be positive and are linked to the desired consolidation of the budgets for both Five Acres and John Hampden sites to produce improved efficiency and reduce workload for the governors and school staff.

RECOMMENDATION

23. **The Cabinet is RECOMMENDED to:**
 - (a) **approve the publication of linked statutory notices for closure of Five Acres Nursery School and for the extension of age range at Five Acres Primary School to 3-11; and**
 - (b) **approve the publication of linked statutory notices for closure of John Hampden Nursery School and for the extension of age range at John Hampden Primary School to 3-11.**

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- Annex 1 Consultation leaflet
- Annex 2 List of interested parties consulted