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| Division(s): Kidlington South Also affecting: All Kidlington |
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**CABINET MEMBER FOR CHILDREN, EDUCATION & FAMILIES – 9
MARCH 2015
FINAL REPORT ON PROPOSAL TO CLOSE WEST KIDLINGTON
NURSERY SCHOOL AND ALTER THE AGE RANGE AT WEST
KIDLINGTON PRIMARY SCHOOL**

Report by Director for Children's Services

Introduction

1. At the meeting on 8 December 2012 the Cabinet Member for CEF agreed to the publication of formal proposals to close West Kidlington Nursery School and alter the age range at West Kidlington Primary School. The report outlining the basis for this decision is available to read on the OCC public website under Committee Papers.
2. The statutory notice (attached at Annex 1) was published by the Authority in the Oxford Mail on 7 January 2015 and expired following 4 weeks of formal consultation on 4 February 2015. In accordance with legislation the notice was also posted at the school gate and sent to the local library. A copy of the full proposal (attached at Annex 2) was made available on the OCC website under the Consultations section.
3. The decision-making power in terms of determining the notice lies with the Cabinet Member for Children Education & Families. As 'decision-maker' the 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 decision must be made within 2 months of the close of the notice period; as a consequence, it is necessary for the Chairman of the Council to determine that the decision cannot be subject to 'call-in' as this would, in most cases, prevent a decision being finalised within the required timescale and mean that the Cabinet Member's role would be negated by referral to the Schools' Adjudicator.

The Proposal

4. The proposal is to close West Kidlington Nursery School and alter the age range at West Kidlington Primary School to enable the establishment of a Nursery class. This will effect a "merger" between the two currently separate establishments.
5. The introduction in April 2011 of the Early Years Single Funding Formula, which funds eligible children attending settings, rather than the number of

places provided (as previously), means there is now no financial advantage in the two establishments being separate.

6. This proposal's intention is to maintain the same level of high quality early years places while improving the financial viability and long term future of this provision.
7. In practical terms, there would be no alteration on the ground that parents, children or teaching staff would notice. All provision would remain in the same accommodation as it is currently. The change proposed is purely administrative in nature.
8. In removing the need to duplicate work (e.g. preparation for two separate Ofsted inspections and managing two separate budgets for the two establishments), the aim is for back office and management staff time to be freed up and processes streamlined to make them more efficient.

Representations

9. The formal representation (Statutory Notice) phase was from 7 January 2015 – 4 February 2015. No representations were received.

Making a decision

10. The proposal is being made under The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013 and Establishment and Discontinuance of Schools Regulations 2013 that came into effect on 28 January 2014. Local authorities also have a duty to have regard to statutory guidance, in this particular case 'School Organisation, Maintained Schools: Guidance for proposers and decision-makers' ("the Guidance").
11. The Guidance requires proposers to consult interested parties initially for a minimum of 4 weeks. The consultation period was in line with the Guidance having run from 7 January 2015 – 4 February 2015. The consultation was therefore carried out in accordance with the Regulations.
12. A decision is now required as to whether to approve this proposed merger.
13. **Legal background.** The closure of a school is subject to statutory procedures, as set out in "School Organisation: Maintained Schools. Guidance for proposers and decision-makers" (The Guidance) published January 2014. When reaching a decision, Cabinet Member must have regard to The Guidance, in particular paragraphs 39 – 66.
14. 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 Decision Maker should consider the views of all those affected. Details of the consultation should be included in the proposals. The Decision Maker must be satisfied that the consultation meets

statutory requirements. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can make a decision on 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.

15. **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, 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.
16. **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.
17. **Funding and land.** The Decision Maker should be satisfied that any land, premises and capital required to implement the proposals will be available.

Equality and Inclusion Implications

18. As this proposal constitutes no change other than administrative, it has no implications in terms of any change to equality and inclusion.

Financial and Staff Implications

19. The financial implications of this report are anticipated to be positive, as the reduction in time and work required by management and staff in maintaining two separate establishments should result in time and cost efficiencies.

Decision

20. In considering the proposals for a school expansion, the Decision Maker can decide to:
 - Reject the proposals;
 - Approve the proposals;
 - Approve the proposals with a modification (e.g. the implementation date);
or
 - Approve the proposals subject to them meeting a specific condition (see the Guidance).

