

**CABINET MEMBER FOR PUBLIC HEALTH & EDUCATION -
13 JUNE 2018**

**REPORT ON THE PROPOSED EXTENSION OF AGE RANGE AT
KINGHAM PRIMARY SCHOOL**

Report by Director for Children's Services

Introduction

1. This report follows a local consultation and publication of a statutory Notice relating to the proposal to extend the age range at Kingham Primary School to include nursery provision. The proposal has been made by the school's Governing Body and is supported by the county council.
2. The school and playgroup carried out a joint informal public consultation with parents / users of both the school and Kingfishers playgroup services. Specifically, this was done through the school's newsletter and on the school website between 9th February – 19th March 2018.
3. The key to this proposal is that the school wishes to provide, as part of its formal offer, early years provision previously delivered by the Kingfishers Playgroup which is currently co-located on the school site. The Playgroup support the proposal and have followed the procedure required in their Constitution to wind up the charity.
4. A Public Notice was published (Annex 1) in the Oxford Mail on 16 April 2018 and on the county council website. The Notice period ran until the 16 April until 14 May 2018. It was accompanied by a Full Proposal document (Annex 2), which was available to read online at the Oxfordshire County Council public website, or by request.
5. The decision-making power in terms of determining the proposal in this case lies with the Cabinet Member for Public Health & Education.

The Proposal

6. The Local Authority, working with the Governing Body of the school, is proposing to alter Kingham Primary School's age range from 4-11 to 2-11, to provide a nursery offering up to 52 part time equivalent funded places.
7. Kingfishers Playgroup, which currently operates on the school site under a lease from the local authority, has voted to close at the end of the summer term 2018. This is due to ongoing pressures in maintaining the voluntary community committee structure, particularly in terms of administrative management and responsibility. The school governors wish to ensure that early years provision continues to be available at the school.

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8. The school will follow the county council's nursery admissions policy and intend to offer places on a flexible basis over three-hour morning and three-hour afternoon sessions every weekday during school term time. Sessions may be taken in any pattern, subject to availability, including a mixture of mornings and afternoons or whole day sessions.
9. The school will offer up to 15 hours a week of nursery provision free of charge, from the term after the child's third birthday. Parents may elect to pay for additional three-hour sessions, subject to availability, at the rate of £15.00 per session, up to a total of 30 hours a week.
10. In line with the Early Years Statutory Framework, the nursery will be led by a qualified teacher with appropriate experience for this age group, supported by at least one Level 3 qualified teaching assistant. The intention is also to provide an additional suitably qualified teaching assistant, subject to requirements.
11. Both Kingham Primary School and Kingfishers Playgroup have Ofsted ratings of "Outstanding" so the extension of the school's age range will help to continue ensure sufficiency and continuity of outstanding quality early years education and childcare for families living in the area.
12. The school will aim to offer a caring nursery environment, providing learning opportunities through high quality play and planned experiences, giving children time to reflect, practice and learn with no sense of failure, encouraging them to develop a positive attitude towards themselves and others, with a strong sense of self-respect.

Effect on other educational institutions

13. There is no predicted negative effect on other local provisions. Early years provision across the Chipping Norton area in general currently meets the needs of the local population and the proposed places replace existing provision offered by Kingfishers Playgroup.
14. The school does not currently intend to continue to admit two-year-olds, but the proposed change in age range would make it possible for the school to do so, if it were to prove practical and viable in the future. However, any funded 2 year olds attending Kingfishers at the time of their closure will be provided a place in the new school nursery class
15. County Council sufficiency assessments indicate low expected demand for funded two-year-old places in the Chipping Norton area as a whole with sufficient funded places offered by alternate providers to meet this expected need. There are 9 provisions within a 5 mile radius of Kingham offering places for funded 2 year olds.
16. Officers now seek formal approval for this proposal from the Cabinet Member for Public Health & Education.

Representations

17. The initial outline proposal was published on 9 February 2018, in a joint consultation letter emailed to all parents of children in the school and the playgroup, posted on the school website and displayed on the official noticeboard in front of the school. This invited responses by 19 March 2018.
18. A total of 14 responses were received, of which 10 were from parents. Three of the responses expressed complete support for the proposal, and the remainder expressed some concerns, reservations or sought clarifications. The main concerns expressed were the planned ratio of staff to children, the hours that would be available, the lack of proposed provision for two-year-olds, and the prospects for existing staff. These concerns were addressed by the school who amended their proposal to further clarify the issues raised.
19. The statutory Notice generated 6 responses. 5 of these supported the proposal to extend to the age range with no further comments, whilst one objected over the lack of proposed provision for two-year-olds.
20. In relation to the concern over lack of provision for two-year-olds raised in both the initial consultation and statutory notice; the school does not currently intend to continue to admit two-year-olds, but the proposed change in age range would make it possible for the school to do so, if it were to prove practical and viable in the future.

Legal background

21. The Education & Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 establish the procedures that must be followed when changing the age range of a maintained school.
22. Local authorities also have a duty to have regard to statutory guidance, in this case "Making Prescribed Alterations to Mainstream Schools" published April 2016.
23. The Guidance states that the statutory proposal must contain sufficient information for interested parties to decide whether to support or challenge the proposed change. The proposal should be accessible to all interested parties and should therefore use 'plain English'. The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:
 - how copies of the proposal may be obtained;
 - that anybody can object to, or comment on, the proposal;
 - the date that the representation period ends;
 - and the address to which objections or comments should be submitted.
24. A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. Within one week of the date of publication on the website, the proposer must send a copy of the

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proposal and the information set out in the paragraph above to the governing body and any other body or person that the proposer thinks are appropriate.

25. The county council confirms that it has adhered to the relevant legislation and statutory Guidance.
26. Local authorities have a statutory duty to ensure sufficiency of early years and childcare provision, which this expansion would support, in ensuring the continuation of provision which might otherwise be lost.

Consideration of consultation and representation period

27. The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has fully considered all the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider ALL the views submitted, including all support for, objections to and comments on the proposal.

Community cohesion

28. Schools have a key part to play in providing opportunities for young people from diverse backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

Financial Implications

29. The nursery will continue to operate within the facility at Kingham Primary School that was specifically designed as an integrated Early Years Foundation Stage Unit. There are therefore no capital costs associated with this proposal.
30. The financial impact on the school is expected be cost neutral. The management of the school expects that there may be some net cost savings as a result of sharing administration, facilities and utilities with the school but these will not be significant as the playgroup previously paid for some expenses on a pro-rata basis.
31. The nursery will operate on a cost-recovery basis. Any budget surplus received, generated or carried over will be used to improve the facilities within the Early Years Foundation Stage Unit at Kingham Primary School and there will be no cross-subsidy of services.

Equality and Inclusion Implications

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32. The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:
- eliminate discrimination;
 - advance equality of opportunity; and
 - foster good relations.
33. The Equality Impact Assessment of Oxfordshire's Pupil Place Plan (November 2016 with revised version due for publication November 2017) identified that increasing places at the heart of their communities has a positive impact on equalities through promoting social inclusion and minimising barriers to accessing education. There are not any sex, race or disability discrimination issues that arise from the changes being proposed.

Decision

34. The decision maker has to have regard to 'Guidance for decision makers' April 2016.
35. Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.
36. In considering the proposals for a change of age range, the Cabinet Member can decide to:
- reject the proposals;
 - approve the proposals without modifications; or
 - approve the proposals with such modifications as the local authority think desirable, having consulted the governing body.

RECOMMENDATION

37. **The Cabinet Member for Public Health & Education is RECOMMENDED to approve the proposed change of age range at Kingham Primary School.**

Lucy Butler

Director for Children's Services

Annexes: Annex 1: Public Notice
 Annex 2: Full Proposal document

Contact Officer: Lucy Mills – School Organisation Officer, Education Sufficiency & Access, CEF. Tel: 07586478794

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