

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 4th 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.**

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Background papers:

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Background papers are available from the Contact Officer – or from Janine Foulkes-Williams, Senior Officer (Early Years Organisation) 01865 815181

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