

meeting CABINET

date 14 September 2011

agenda item number 15

## REPORT OF THE CABINET MEMBER FOR CHILDREN AND YOUNG PEOPLE'S SERVICES

### **St Mary's Church of England (Voluntary Aided) Primary School, Edwinstowe - delivery of early years education places Section 19 Notice**

#### **Purpose of report**

1. This report seeks the approval of Cabinet for the implementation of the governors' proposal to provide early years places at the above-named school by formally lowering the age limit of the school from 5-11 to 3-11 years.

#### **Information and advice**

##### **Background**

2. It is Government policy that early years education places can be delivered through Local Authority maintained schools and providers in the private, independent and voluntary sectors.
3. Having considered the implications of providing such places for children attending their school, the governors of St. Mary's Primary School have decided they wish to develop this provision from January 2012.
4. The County Council's Strategic Place Planning and School Admissions service has reviewed the current take up of early years education places in the area and acknowledges the potential benefits of the proposal for the school. The proposal will provide additional early years places and increase opportunities for parental choice. It will support the school's aim to provide continuous education from ages 3 through to 11.
5. Under the provisions of the Education and Inspections Act 2006 (EIA 2006), governors of voluntary aided schools can publish the type of proposal as described in paragraph 1 of this report, without the prior approval of their local County Council. It is, however, a statutory requirement that the final decision on whether or not the proposal should be implemented, rests with the County Council.

6. In order for this proposal to progress, it is a legal requirement for the school's governors to publish a 'statutory notice' to alter the lower age range limit of the school from 5-11 to 3-11 years.
7. Prior to the notice being published, however, there is also a requirement to consult with local people and other interested parties so that they can give their views.

## **Consultation**

8. Staff and parents/carers of St. Mary's Primary School received a letter from its governors that explained the rationale for deciding to propose this potential development at the school, and to give them the opportunity to make any comments about what was being proposed.

The governors' decision took into account the following issues:-

- the number of children likely to benefit from the proposal
- the likely effects on the school's teaching and support staff
- capacity of the school to meet the needs of 3 and 4 year olds
- funding for the early years provision
- availability of early years provision for children in the Edwinstowe community

Given these considerations the following options were suggested :-

- i) propose to provide early years places in the school's existing premises
- ii) continue to use existing provision at other local early years providers.

9. As part of the consultation process, copies of the governors' letter were sent to other schools and copies were also sent to private, voluntary and independent providers of early years education within the same locality.
10. Other statutory consultees including the local Member of Parliament, County Councillors, District Council and Diocesan Authorities were also sent copies of the consultation letter.
11. St. Mary's Primary School Council was consulted and was supportive of the proposal.
12. During the consultation period of 14 March to 29 April 2011, the school received 43 written responses, mostly by way of a reply slip that provided respondents with the options of supporting or opposing the proposal. Of these responses :-
  - 36 were in support of the proposal, as well as the other local village primary school that already provides early years education
  - 7 were opposed to the proposal, including a local pre-school playgroup
13. A meeting with the above-mentioned pre-school playgroup was held by the school during the consultation period to provide information to help answer the concerns raised in the objection by the playgroup.

14. The above written responses are available as background papers to this report.

### **Statutory Notice**

15. Having taken all written responses into account, and in accordance with the provisions of the EIA 2006, a Section 19 notice was subsequently published by the governors on 8 June 2011 and proposed lowering the age range of St. Mary's Primary School with effect from 4 January 2012.
16. There was a six week representation period following the publication of the notice during which objections and comments could be made. The notice expired on 20 July 2011 and during the publication period, one objection was received. This representation was from one of the objectors that had objected during the consultation period; a locally run pre-school playgroup. The objection details the investment by the group into its facilities, particularly a special garden area. They also mention sessions which they feel are unique and help to develop children's understanding of nature, and the holistic nature of the curriculum provided. The group have provided evidence of well qualified and effective staff. The Playgroup has been judged outstanding in all areas by Ofsted. The Playgroup are concerned that any loss of children will see a drop in funding and could affect future viability and potential loss of the facility. They are also concerned about the effect on other pre-school providers in the village as well as the opportunities and facilities that they provide for the village. The Playgroup also claim that there is already a surplus of places for 3-4 year olds in the village.
17. Account has been taken of the above Playgroup's comments and in the view of the County Council's Strategic Place Planning and School Admissions service their numbers may be adversely affected by this proposal. However the degree is difficult to predict with certainty because the overall take-up of places in any pre-school setting is predicated by a number of factors including parental choice and birth rates, as well as local school admission policies. In this case it is also relevant to take account of parents' religious preferences. On balance therefore it is reasonable to support this proposal despite this objection.
18. As mentioned in paragraph 5 above, the decision on whether to formally implement the above proposal now falls to the County Council to determine. It is a statutory requirement, however, that this determination has to be made within two months of the expiry of the notice's representation period i.e. by 20 September 2011. Failure to meet this requirement would result in the proposal having to be referred to an independent Schools Adjudicator for a decision to be made.

### **Statutory and policy implications**

19. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those

using the service. Where such implications are material, they have been described in the text of the report.

### **Human Resources implications**

20. If, as a result of this proposal, additional staffing is required in school to ensure the effective delivery of the early years education proposed, the school will use appropriate recruitment and selection procedures when making appointments.

### **Financial implications**

21. Any variation to the numbers of children attending the school through this proposed change to the admission arrangements will be reflected in the school's budget through the Early Years Single Funding Formula.

### **Equal opportunities implications**

22. If approval was to subsequently be given for this proposal to be implemented, the proposal will ensure the availability of an early years education place for all children whose parents wish them to have one.

### **Implications for service users**

23. Children and families in the immediate locality and the Church of England community will have access to early years education.

## **RECOMMENDATION**

24. That Cabinet agree to the implementation of the proposal to lower the existing age limit of St. Mary's CE Primary School, Edwinstowe from 5-11 to 3-11 years, thereby enabling the school to admit children to early years education places in existing accommodation from 4 January 2012.

### **COUNCILLOR PHILIP OWEN**

Cabinet Member for Children and Young People's Services

### **Reasons for recommendation**

25. Please refer to paragraph 2 of this report. This proposal is perceived as being in the best interests of St. Mary's CE Primary School and the school's community.

### **Other options considered**

26. The only other feasible option available to the school for parents who wish their children to receive early years education between the ages of 3-4 years, is to continue to send them to alternative early years providers.

## **Legal Services' comments (LM/26.7.11)**

27. Cabinet has delegated authority to approve the recommendations in the report in order to discharge the County Council's functions as a local authority responsible for the provision of education.

## **Financial comments of the Service Director – Finance (NDR)**

28. The financial implications are set out in paragraph 21 of the report.

## **Background papers available for inspection**

1. Consultation letter dated 14 March 2011 sent out by the governors of St. Mary's CE Primary School
2. Written responses referred to in paragraph 12 of this report
3. Objection referred to in paragraph 16 of this report, dated 15 July 2011
4. The Complete Proposal referred to in the published Section 19 Notice

## **Electoral division(s) affected**

Rufford

M19C2854