

**17 March 2014****Agenda Item: 12****REPORT OF THE SERVICE DIRECTOR, EDUCATION STANDARDS AND  
INCLUSION****HALAM CHURCH OF ENGLAND (VOLUNTARY CONTROLLED) PRIMARY  
SCHOOL - DELIVERY OF EARLY YEARS EDUCATION PLACES:  
OUTCOME OF A PUBLISHED SECTION 19 NOTICE****Purpose of the Report**

1. This report seeks approval for the implementation of Halam CE Primary School governors' proposal to provide early years places at their school by formally lowering the age range limit of the school from 5-11 to 3-11 years.

**Information and Advice**

2. It is Government policy that early years education places can be delivered through local authority maintained schools and providers in the private, voluntary and independent sectors.
3. Having considered the implications of providing such places for children attending their school, the governors of Halam Primary School have decided they wish to develop this provision from September 2014.
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 early years places for the village 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 previous provisions of the Education and Inspections Act 2006 (EIA 2006), governors of voluntary controlled schools could publish the type of proposal as described in paragraph 1 of this report, without the prior approval of their local county council. It was, however, a statutory requirement that the final decision on whether or not the proposal should be implemented rested with the county council.
6. The statutory process for proposals of this type has been amended with effect from 28 January 2014 by the introduction of new regulations. These regulations now negate the need to follow a process. However, as the process for this particular proposal had already commenced prior to the new regulations coming into force, it is a statutory

requirement that the decision on the proposal's outcome still rests with the County Council.

7. 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.
8. 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**

9. Staff and parents/carers of Halam 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.
10. 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 local children and Church of England families.
11. Given these considerations the following options were set out for consultation:-
  - i) a proposal to provide early years places in the school's existing premises
  - ii) that Halam Primary School parents/carers continue to use existing provision at other local early years providers.
12. As part of the consultation process, copies of the governors' letter were circulated to other schools and copies were also sent to private, voluntary and independent providers of early years education within the locality and to the wider community.
13. Other statutory consultees including the local Member of Parliament, County Councillor, District and Parish Councils and Diocesan Authorities were also sent copies of the consultation letter.
14. Several pupils at Halam Primary School were consulted and were supportive of the proposal.
15. During the consultation period of 6 November to 16 December 2013, the school received 28 written responses by way of a reply slip that provided respondents with the options of supporting or opposing the proposal. Of these responses that expressed a preference:-
  - 25 were in support of the proposal, including parents/carers, Halam Primary School staff, a local village primary school and local Parish and Church Councils
  - 2 were opposed to the proposal, one of which was a parent/carer and the other identified themselves as a neighbour.

16. The main issues arising from respondents either opposing the proposal or who had particular concerns are:-
- the potential increase in traffic flow and associated parking implications around the school
  - the potential impact on existing school and staffing resources
  - funding for the early years places.
17. The issue around vehicle management is one that Halam Primary School's governors have been monitoring for several years and is an on-going situation due to the position of the school and its inadequate parking facilities. However, the governors feel their early years proposal will be a much needed and important educational resource for the Halam community and the situation concerning parking will continue to be monitored by the school.
18. In comparison, the main comments in support of the proposal can be summarised as:-
- there is a consensus of support for the proposal to proceed
  - local early years provision will provide parents/carers with increased opportunities for parental choice
  - providing local early years places will help reduce the potential number of car journeys to alternative providers
19. A summary of the written responses received is included in **Appendix 1** to this report.

### **Statutory Notice**

20. Having taken all written responses into account, and in accordance with the then existing provisions of the EIA 2006, a Section 19 notice was subsequently published by the governors on 9 January 2014 which proposed lowering the age range of Halam Primary School with effect from 8 September 2014.
21. There was a six week representation period following the publication of the notice during which objections and comments could be made about the proposal. The notice expired on 20 February 2014 and during the publication period no representations were received.
22. Account has been taken of the comments received during the consultation period referred to in this report and of the statutory notice outcome where no further representations were received during its statutory period. It is difficult to predict with absolute certainty how this proposal will impact on local infrastructure because the overall take-up of places in any setting is predicated by a number of factors including parental choice and birth rates. Also in this case it is relevant to take account of parents' religious preferences. On balance therefore, the consultation outcomes would suggest that the Halam Primary School governors' proposal should be recommended to be implemented.
23. As mentioned in paragraph 6 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 April 2014. 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.

### **Other Options Considered**

24. 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.

### **Reason for Recommendation**

25. The proposal outlined in this report is perceived as being in the best interests of both Halam Primary School and its community.

### **Statutory and Policy Implications**

26. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Implications for Service Users**

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

### **Financial Implications**

28. 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.

### **Public Sector Equality Duty Implications**

29. If approval was to subsequently be given for this proposal to proceed, it will ensure the availability of an early years education place for all children whose parents wish them to have one.
30. An Equality Impact Assessment has been undertaken and is available as a background paper.

### **Human Resources Implications**

31. 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.

## **Crime and Disorder Implications**

32. Appropriate consideration has been given to the Crime and Disorder Act 1998. It is the view of the County Council that this early years places proposal does not pose a significant risk to increasing criminal activity within the locality of the school.

## **Human Rights Implications**

33. Parental preference will be facilitated.

## **Implications for Sustainability and the Environment**

34. By providing local early years education places, the need for travelling to alternative providers by car can be reduced.

## **RECOMMENDATION**

- 1) That the Committee agree to the implementation of the proposal to lower the existing age range limit of Halam CE Primary School from 5-11 to 3-11 years, thereby enabling the school to admit children to early years education places in existing accommodation from 8 September 2014.

**John Slater**

**Service Director, Education Standards and Inclusion**

**For any enquiries about this report please contact:**

Angela Pae

Children's Place Planning & Admissions Area Officer - Newark

T: 0115 9773679

E: [angela.pae@nottsccl.gov.uk](mailto:angela.pae@nottsccl.gov.uk)

## **Constitutional Comments (LM 21/02/14)**

35. The Children and Young People's Committee has delegated authority within the Constitution to approve the recommendations in the report.

## **Financial Comments (KLA 25/02/14)**

36. The financial implications of this report are contained in paragraph 28 above.

## **Background Papers and Published Documents**

- 1) Consultation letter dated 6 November 2014 sent out by the governors of Halam CE Primary School
- 2) The Complete Proposal referred to in the published Section 19 Notice
- 3) Equality Impact Assessment

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

**Electoral Division(s) and Member(s) Affected**

Farnsfield and Lowdham:                      Councillor Roger Jackson

C0384

## **APPENDIX 1**

### **PROPOSAL TO PROVIDE EARLY YEARS EDUCATION PLACES AT HALAM CE PRIMARY SCHOOL**

**Summary of written consultation responses received by Halam Primary School that expressed a preference of supporting or opposing the proposal:**

- Concern raised about the alleged lack of classroom and external space to house further children
- Support expressed for the proposal by a local primary school not currently providing early years places, citing that they did not anticipate losing any potential pupils should Halam Primary's proposal proceed
- It was felt that without a system of vehicle management in place around the school, additional cars dropping off/collecting children will make the alleged already haphazard procedure for parking even more dangerous
- Support for the proposal was unanimously agreed by a local church council
- In opposing the proposal comment made that the teachers have enough to cope with already
- Support expressed for the proposed early years places but concern raised if this will increase traffic at the school
- Comment made that the proposal would be a vital service for local families with pre-school children
- In supporting the proposal respondent commented that they wish it had been provided sooner
- Opinion expressed that the proposal is a positive step forward for the school and parents. Respondent also felt confident of the benefit it would have for pre-school children moving to early years education and being able to integrate into Halam Primary.
- Support expressed of being fully in favour and that the early years places would be a great attribute to the school
- Concern raised about the potential impact on existing pupils and teaching accommodation.
- Clarification sought on whether additional staff would be employed and if funding for the early years places would be separate from the school's funding.