

**5 November 2012****Agenda Item: 10****REPORT OF THE GROUP MANAGER, SUPPORT TO SCHOOLS SERVICE****BROOKSIDE COMMUNITY PRIMARY SCHOOL, EAST LEAKE - DELIVERY  
OF EARLY YEARS EDUCATION PLACES: OUTCOME OF A PUBLISHED  
SECTION 19 NOTICE****Purpose of the Report**

1. This report provides Committee with the outcome of a published Section 19 Notice and seeks approval for the implementation of the 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, with effect from 7 January 2013.

**Information and Advice**

2. A formal proposal was agreed by Committee at its meeting on 16 July 2012 and in accordance with the provisions of the Education and Inspections Act 2006, the Local Authority (LA) is required to publish a Section 19 Notice. An appropriate Notice was subsequently published on 7 September 2012 which provided details of the proposal referred to in paragraph 1 above.
3. There is a six week representation period following the publication of Notices during which objections and comments can be made. The Notice expired on 19 October 2012 and during its publication period no representations were received.
4. The decision on the above proposal now falls to Committee 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 19 December 2012. 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**

5. The only other feasible option available to Brookside Primary School for parents/carers who wish their children to receive early years education between three and four years, is to continue to send them to available alternative providers and move the children to Brookside Primary as appropriate for their statutory education.

**Reason for Recommendation**

6. It is Government policy that early years education places can be delivered through LA maintained schools and providers in the private, independent and voluntary sectors. It is also Government policy that parents have the opportunity to express choice. This proposal increases the choice of early years places available in the Brookside catchment area.

### **Statutory and Policy Implications**

7. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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**

8. Children and families will have access to, and an increased choice of, early years education in their immediate locality.

### **Financial Implications**

9. 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.

### **Equalities Implications**

10. Equal opportunities issues for staff will be addressed within an agreed enabling document and which will follow an agreed standard format.
11. As part of the process of making decisions and changing policy, public authorities are required by law to think about the need to:
  - Eliminate unlawful discrimination, harassment and victimisation
  - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who do not.
  - Foster good relations between people who share protected characteristics and those who do not.
12. Equality Impact Assessments (EIAs) are a means by which a public authority can assess the potential impact that proposed decisions/changes to policy could have on the community and those with protected characteristics. They may also identify potential ways to reduce any impact that a decision / policy change could have. If it is not possible to reduce the impact, the EIA can explain why. Decision makers must understand the potential implications of their decisions on people with protected characteristics.
13. An EIA has been undertaken and is available as a background paper. Decision makers must give due regard to the implications for protected groups when considering this report.

### **Human Resources Implications**

14. If, as a result of this proposal being implemented, 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.

## **RECOMMENDATIONS**

That:

- 1) Committee notes the outcome of the Section 19 Notice published under the provisions of the Education and Inspections Act 2006 concerning Brookside Community Primary School
- 2) Committee agrees to the implementation of the proposal to lower the existing age limit of Brookside Community Primary School from 5-11 to 3-11 years, thereby enabling the school to admit children to attend early years education places in existing accommodation from 7 January 2013.

**Marion Clay**

**Group Manager, Support to Schools Service**

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

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### **Constitutional Comments (LM 11/10/12)**

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

### **Financial Comments (NDR 11/10/12)**

16. The financial implications are set out in paragraph 9 of the report.

### **Background Papers**

- 1) Report to Children and Young People's Committee on 16 July 2012 'Brookside Community Primary School, East Leake - Delivery of Early Years Education Places: Outcome of Consultation' (previously published)
- 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**

Soar Valley: Councillor Lynn Sykes

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