



Report to Leader (Education and Skills portfolio)

Decision Date: 15 March 2021

Reference number: ED01.21

Title: Proposal by the governing board of Overstone School to change the school's age range.

Relevant councillor(s): Cllrs: Anne Wight, Sandra Jenkins, Chris Poll, Derek Town and Peter Cooper.

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Ward(s) affected: Wing

Recommendation: The Leader is recommended to agree to the proposal by the governing board of Overstone School that from April 2021 the school changes its age range from 3-11 to 4-11 years of age. This would enable the school to run its Early Years provision under the Department for Education's section 27 regulations. The school is a maintained Local Authority (LA) school.

Reason for decision: Following Department for Education (DfE) statutory guidance the school undertook a public consultation on the proposed change of age range and then held a four-week representation period for people to comment on the proposal. There was considerable support for the proposed change.

Executive summary

- 1.1 The school's governing board supported by the Local Authority (LA) held a public consultation and then a four-week representation period on a proposal that from 1 April 2021, the school changes its age range from its current 3-11 to 4-11 years of age. The change if implemented would enable the school to run its pre-school provision under the DfE's section 27 provision. The provision would be managed by a governor and staff committee, who would ensure that the same high level of provision as presently provided would be maintained.

- 1.2 There was support for the proposed change from parents, local community, staff and governors
- 1.3 The statutory guidance from the DfE on managing school changes such as the school's proposed change of age range, have been followed by the governing board.
- 1.4 As the statutory guidance has been followed and there is support for the proposal, the Cabinet Member is recommended to agree to the proposed change of age range.

Content of report

- 1.5 When a Local Authority or governing board wish to implement a prescribed alteration to a school that changes its status, they must firstly make people aware of the proposed change and then publish a statutory notice in a local newspaper and place details on the school website. The DfE guidance on such changes was republished in 2018: Making significant changes (prescribed alterations) to maintained schools, statutory guidance for proposer and decision makers 2018. A governing board, LA or the Schools Adjudicator must have regard to this guidance when exercising functions under the School Organisation Prescribed Alterations to Maintained schools (England) regulations 2013 (the prescribed alterations regulations). It should be read in conjunction with Parts 2 and 3 of the Education and Inspections Act (EIA) 2006 and prescribed alterations regulations. The process followed by Overstone School's governing board and the LA is in accordance with the current statutory guidance.

If the change is implemented it would mean that the school would change its age range from 3-11 to 4-11 years of age. This change will not have an adverse impact on the quality of provision. Section 27 of the 2002 Education Act allows for early years provision for 3 year old children to be managed by a combined staff and governor committee who would ensure that the same high quality provision as at present was maintained. This change is also a more efficient financial model for the school. The Council's Early Years and Foundation Stage Team support the proposed change.

- 1.6 In line with DfE guidance on school reorganisations, the governing board held a public consultation from 3 November 2020 to 15 December 2020 on the proposed change. Of the responses received 83% were in favour of the change. Details of the consultation were sent to parents/carers, local councillors, local schools, staff, governors, Wing parish council, Oxford Diocese, local MP, relevant Buckinghamshire Council teams and other organisations connected to the school.
- 1.7 Following the end of the public consultation the outcome was assessed and in light of the support for the proposal the decision was taken to move to the next stage of the DfE's statutory process on school reorganisations. The school published a statutory notice in the Bucks Herald with a deadline of 3 February 2021 for people to

make representations, (i.e. to comment on, object to or support the proposed expansion). 9 representations were received during the four week period: all expressed support for the proposal. At the same time they placed additional information and the background to their proposal on the school's website.

- 1.08 When making the recommendation, the Local Authority has taken account of the Public Sector Equality Duty. An Equality Impact Assessment has been completed and forwarded to the Head of Equalities who raised no objection or comment. If the change takes place, the school will continue to offer places to children of any faith or no faith and they will continue to welcome and support children and their families/carers with special educational needs and disabilities.
- 1.09 The school was inspected by Ofsted in December 2019 when it was graded as Good.
- 1.10 As the statutory process has been followed, the Cabinet Member is recommended to agree to the change of age range at the school, effective from 1 April 2021.

Other options considered

- 1.11 The only other option would be for the Cabinet Member not to agree to the change. However as the great majority of those responding to the public consultation were in favour of the change and 100 % of people who commented during the representation period supported the change, this would be contrary to the preference for change expressed by the majority of those responding to the statutory notice and public consultation. The recommendation is therefore that the change is agreed.

Legal and financial implications

- 1.12 When an LA or governing board wish to implement a prescribed alteration to a school that changes its status, they must firstly make people aware of the proposed change and then publish a statutory notice in a local newspaper and place details on the school website. The Department for Education guidance on such changes was revised in 2018: Making significant changes (prescribed alterations) to Maintained Schools: Statutory Guidance for proposer and Decision Makers 2018. A governing board, LA or the Schools Adjudicator must have regard to this guidance when exercising functions under the School Organisation Prescribed Alterations to Maintained schools (England) regulations 2013 (the prescribed alterations regulations). It should be read in conjunction with Parts 2 and 3 of the Education and Inspections Act (EIA) 2006 and prescribed alterations regulations. The process followed by Overstone School's governing board and the LA has followed the current statutory guidance. In line with Department for Education guidance a public consultation was held, followed by the publication of a statutory notice in the Bucks Herald inviting people to make representations on the proposed closure. In addition, advice has been sought on the contents of this report from the Principal Lawyer.

- 1.13 The proposed change of age range would have no direct financial implications for the LA. As the provision is nursery provision and not for reception aged children, revenue funding for the change of age range will come from the early years funding block for those children accessing the free entitlement for 3 and 4 year olds, as the children joining the provision will not initially be of statutory school age. There are no redundancy costs arising from the proposal. Advice has been sought from the Section 151 officer.

Corporate implications

- 1.14 The proposed change should not have a detrimental impact on the environment as it will not entail an increase in car traffic.

Consultation and communication

- 1.15 As outlined in the report, a public consultation took place as did a four-week representation period. Both opportunities gave the local community a chance to raise any questions and comment on the proposed change of status. Local members were made aware of the proposed change.

Next steps and review

- 1.16 If the proposal is agreed, the school will arrange to update the DfE's records about the change and inform the local community and parents/carers of the change.

Background papers

- 1.17 Attached is the board's statutory notice and additional information that was made public.

Your questions and views (for key decisions)

If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the Leader to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk