

Committee: Cabinet

Date of meeting: 15 October 2020

Title of Report: Proposed change of age range to Armathwaite School

Report by: John Readman - Executive Director People (Deputy Chief Executive)

Cabinet Member: Councillor Sue Sanderson – Cabinet Member for Schools and Learning

What is the Report About? (Executive Summary)

1. This report deals with the outcome of public consultation on a proposed change of age range at Armathwaite School to allow the creation of a maintained nursery.

Recommendation of the Executive Director

2. To consider feedback from the consultation exercise, and approve Option a, set out in the body of this report, to publish proposals for a change in the age range of Armathwaite School from the current 4-11 to 3-11 in order to establish maintained nursery provision.
3. Note that approving Option (a) would trigger the publication of formal change proposals, and that a final decision will be required by Cabinet in December prior to the change being implemented.

Background to the Proposals

4. Armathwaite Nursery Group has been operating from the school site for a number of years. This popular facility ceased to operate at the end of the Summer Term 2020. Since the start of the Autumn term in September, the governors of Armathwaite School have been offering a continuation of the provision through 'governor-led' childcare, but wish to formalise the establishment of maintained nursery provision through a change of the age range catered for by the school, from the current 4 to 11 to 3 to 11.
5. The county council's Early Years Team is supportive of the change, as it ensures provision is retained in the village. The school is able to use existing accommodation for the newly-established provision, so there are no capital costs associated with the change. The former staff of Armathwaite Nursery Group opted to be made redundant on its closure, so there are no TUPE issues to consider.
6. The Armathwaite School governors are keen to retain maintained nursery provision in the village, as this is the only setting available. The school will need to change its existing age range from 4 to 11 years to a new range of 3 to 11 years to allow them to accommodate younger children. The proposal envisages 1 January 2021 as the implementation date, until which time the school will continue to operate governor-led childcare.

7. As Armathwaite is a community school, it is the responsibility of Cumbria County Council's Cabinet to make the decision on whether to publish statutory notices following consideration of responses received during the consultation period.
8. A consultation was undertaken between 7 September and 2 October 2020 with 220 letters sent to parents, staff, governors and other stakeholders.
9. Eden Local Committee has been made aware of the consultation, and a report was presented to the committee on Monday 28 September 2020. Members supported the proposal.

RESOLVED, that Eden Local Committee note the contents of the report and also note that the Cabinet will consider feedback from the consultation, including any response made by the Local Committee, before deciding on next steps.

10. In total 27 questionnaire responses have been returned, of which 27 are in favour. The school has also received a number of emails supporting the proposal.
11. Should members approve Option (a), a notice will be published, as required, formally proposing to bring about the change of age range. This will trigger a 'Representation Period', giving interested parties a further 4 weeks during which they can submit comments or objections. Cabinet will be required to consider any representations made within 2 months of the end of the Representation Period, and make a final decision on the proposal.

Options Considered and Risks Identified

Option (a)

- Pursue a change the school's age-range to allow for the establishment of maintained nursery provision in the village. This would ensure that 3-year old children continue to have access to 'free' childcare and early years' education provided by a qualified teacher. It also allows the school the flexibility of mixing classes across, for example, Nursery and Reception.

Option (b)

- Provide 'governor-led' childcare. This would allow the provision to continue, but the school governors feel strongly that guaranteeing qualified-teacher-led provision is important in providing a good-quality, attractive early years offer at the school which will see children seamlessly transfer into the Reception class and beyond.

Option (c)

- Do nothing. This would leave the village without any early years' provision, and require parents to seek places elsewhere.

Risks –

- There are no significant risks associated with Option (a). Although it requires the provision to be led by a qualified teacher, the school will be able to mix Nursery, Reception and Key Stage 1 pupils as appropriate to ensure pupil numbers drive sufficient revenue to cover the costs of a QT.
- Option (b) holds no significant risks. The governors' preference, however, is to provide a maintained nursery facility for the village via Option (a).
- Option (c) would require parents and children to travel significant distances to access alternative provision.

Reasons for the recommendation/Key benefits

- The proposal will provide a sustainable and well subscribed maintained nursery facility for children in the local area.

Financial – What Resources will be needed and how will it be Funded?

12. Free entitlement to Early Years Provision for 3 and 4 year olds in both the private, voluntary and independent (PVI) and in primary schools is funded on the same basis through the Early Years National Funding Formula via the Dedicated Schools Grant (DSG). Additional income is also generated from fee paying parents.
13. As the school is using the existing nursery accommodation for the new provision there will be no capital costs, or premises costs over and above those already incurred for the current accommodation.
14. Staff at the former nursery provision opted to be made redundant and therefore there will be no TUPE costs.
15. The school will need to ensure there is sufficient demand for nursery places to generate enough income, via Early Years DSG and parental fee income, to cover the cost of the nursery provision including staffing with a qualified teacher. However, as there is no alternative nursery provision in Armathwaite demand for places should not be an issue.

Legal Aspects – What needs to be considered?

16. Cabinet is able to adopt option (a), (b) or (c) as set out above. Cabinet is not duty bound to follow the views expressed in consultation, only to take those views into account.
17. Section 6 of the Childcare Act 2006 places a duty on all English Local Authorities to ensure, so far as is reasonably practicable, the provision of childcare is sufficient to meet the requirements of parents in their area who require childcare in order to enable them to take up, or remain in, work or to undertake education or training which could reasonably be expected to assist them to obtain work. As paragraph 6 of this report makes clear, there is no other nursery provision in the village and therefore there is likely to be a lack of

available provision unless options (a) or (b) are adopted. Consideration should be given as to whether options (a) or (b) will provide the type of provision that will meet the need of the community. For instance, were wraparound (early start/late finish) sessions being provided by the previous nursery. Is the maintained school nursery/Governor led provision able to replicate this?

18. In line with Education and Inspections Act 2006 and the supplementary School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 the statutory process needs to be followed in order to implement the change proposed in option (a). As paragraph 11 of this report sets out, if option (a) is selected a notice needs to be published which triggers a formal representation period.
19. Currently the nursery provision is Governor led (as is permitted by section 27 of the Education Act 2002). There are different staffing/management requirements for a maintained school nursery, as opposed to Governor led provision. The key one being that a qualified teacher needs to lead the nursery provision. The school are clearly cognisant of this and having a qualified teacher in the nursery is the Governors' preferred model. The qualified teacher requirement is only one element of the complex rules that the school needs to adhere to. The requirements of the Early Years Foundation Stage Statutory Framework (EYFS) will need to be met in full.
20. As the school is proposing to use the existing nursery accommodation for its maintained school nursery, the accommodation is likely to be compliant with the requirements of the EYFS.
21. The continuation of Governor led provision (option b) relies on 'buy in' from the school and its Governors and their continuing willingness to use their section 27 powers. The Governors have made it clear that having a maintained school nursery is their preferred approach. Cabinet could not compel the Governors to continue making Governor led provision.
22. The report indicates that option (a) will give the school the option to mix classes across nursery and reception. The school needs to be mindful that any class sizes for infant age children cannot exceed 30 children, as per the School Admissions (Infant Class Size Regulations) 2012.

Health and Safety Aspects – What needs to be considered?

23. The County Council has a duty under the Health and Safety at Work Act 1974 and associated legislation and regulations to ensure that, as far as reasonably practicable, adequate health and safety management arrangements are in place to protect employees, members, customers, pupils and visitors to County Council related services (including nursery provision and schools within County Council governance arrangements).
24. Any health and safety implications resultant from a change of age range to Armathwaite School should be assessed with associated controls implemented if and when required. It is however noted that following analysis of the consultation feedback and Equality Impact Assessment appendices, there have not been any direct health and safety related concerns identified that are in addition to normal management consideration.

25. It is recommended that all staff and volunteers should be made aware and understand each Nursery and Schools Health and Safety Policy together with the supporting arrangements. An induction should also be carried out which covers key health and safety information such as any risks identified and for example emergency procedures relating to fire, first aid and other property related arrangements.

Council Plan Priority – How do the Proposals Contribute to the Delivery of the Council’s Stated Outcomes? (Outcomes - People in Cumbria are Healthy and Safe, Places in Cumbria are well connected and thriving, the Economy in Cumbria is growing and benefits everyone)

26. Working towards improving the school’s sustainability and offering increased parental options, the proposal will help towards the outcomes of ensuring that ‘people are healthy and safe’ and ‘the economy in Cumbria is growing and benefits everyone’.

What is the Impact of the Decision on Health Inequalities and Equality and Diversity Issues?

27. An EIA is attached as Appendix 2. This is a dynamic document, which is updated as issues arise. It has been made available on the county council website.
28. Careful consideration of the assessment is one of the key ways in which Cabinet can show ‘due regard’ to the relevant matters for the purposes of the Public Sector Equality duty. Section 149 of the Equality Act 2010 imposes a duty on ‘public authorities’ and other bodies when exercising public functions to have due regard to the needs to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act, b) advance equality opportunity between persons who share a relevant protected characteristic and persons who do not share it, c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The Act sets out nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. If any proposals are implemented, that would have adverse effects on equality then those effects should be mitigated. The steps proposed to be taken are set out in the ‘Phase 3’ section of the EIA.

Appendices

- Appendix 1: Consultation Document
- Appendix 2: Equality Impact Assessment (EIA)
- Appendix 3 – Questionnaire Analysis

Key Facts

Electoral Division(s): Greystoke and Hesket

Executive Decision	Key Decision Included in Forward Plan	Exempt from call-in	Exemption agreed by scrutiny chair	Considered by scrutiny, if so detail below	Environmental or sustainability assessment undertaken?	Equality impact assessment undertaken?
Yes	Yes	No	N/A	No	No	Yes

Approved by the relevant Cabinet Member/s on 04/10/2020

Previous relevant Council or Executive decisions

None

Consideration by Overview & Scrutiny

Not considered

Background Papers

None

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