

Committee: Cabinet

Date of meeting: 15 December 2022

Title of Report: Proposed Changes of Age Range for St Bees Village Primary School and Wigton Infant School.

Report by: John Readman - Executive Director – People

Cabinet Member: Sue Sanderson, Cabinet Member for Schools and Learning, Anne Burns, Cabinet Member for Children's Services

What is the Report About? (Executive Summary)

1. This report seeks a final decision on the proposed change of age range at St Bees Village Primary School and Wigton Infant School.
2. With the consent of the Portfolio Holder and Executive Director, a public consultation exercise on the change of age range was undertaken between 6 June and 15 July 2022. The outcome of this consultation was reported to the County Council Cabinet on 22 September 2022, and subsequently approved the decision to publish legal notices.
3. Legal notices were published on 12 October and 13 October 2022 triggering a 4-week representation period. Cabinet must make a decision on the proposal within 2 months of the representation period.

Recommendation of the Executive Director

4. To consider feedback from the representation period and approve Option A, as set out in the main body of the report.

Background to the Proposals

St Bees Village Primary School

5. St Bees is a thriving Governor-led nursery which the Head and School Governors now want to integrate more fully into the primary school.
6. To formally make the nursery part of the school the age range will need to change from 4 to 11 years of age to a new range of 2 to 11 years.
7. The extension of age range will allow the school to more effectively share its resources with the nursery, whilst making no changes to the day-to-day running of the existing arrangements for parents and children.
8. The school have recruited an additional fully qualified teacher from September 2022 to comply with the staffing requirements of the move to a maintained nursery.

9. A consultation on the change of age range was undertaken between 6 June and 15 July 2022. Taking into account the outcome of this consultation, the Cabinet approved the publication of legal notices.
10. Notices were published on 12 October 2022, triggering a representation period which ended on 9 November 2022.
11. No responses were received during the representation period.
12. St Bees Village Primary School is rated Good by Ofsted.
13. The proposal for the change of age range to St Bees Village Primary School was presented to Copeland Local Committee on 20 July 2022 as part of the consultation exercise. All members spoke in support of the proposal and Members **RESOLVED** that:
 - 1) the report be noted;
 - 2) that the Cabinet consider feedback from the consultation, including the response made at this meeting, before deciding on next steps.

Wigton Infant School

14. In September 2020 Wigton Infant School changed its age range to 2 to 7 years in order to allow it to take on the former Longthwaite Road Pre-School.
15. Following a review of the facility since that date, and a temporary change to concentrate on 3 year-olds, it is now proposed to permanently amend the age range of the school to 3 to 7 years of age.
16. There are other providers in Wigton that offer 2 year old places and Cumbria County Council's Early Years Team confirm that there are no identified gaps in provision in the area.
17. A consultation on the change of age range was undertaken between 6 June and 15 July 2022. Taking into account the outcome of this consultation, the Cabinet approved the publication of legal notices.
18. Notices were published on 13 October, triggering a representation period which ended on 10 November 2022.
19. No responses were received during the representation period.
20. Wigton Infant School is rated Requires Improvement by Ofsted.
21. The proposal for the change of age range to Wigton Infants School was presented to Allerdale Local Committee on 1 July 2022 as part of the consultation exercise, and Members **RESOLVED** that:
 - 1) the Local Committee notes the contents of the report and agrees to support the proposal in principle;

- 2) the Committee notes that the Cabinet will consider feedback from the consultation, including any response made, before deciding on next steps.

Options Considered and Risks Identified

St Bees Village Primary School

Option (a)

- Accept the recommendation to implement the proposed change of age range at St Bees Village Primary School

Option (b)

- Reject the recommendation to implement the proposed change of age range at St Bees Village Primary School

Risks – The benefits of consolidation of the nursery with the school and enhanced use of school resources will not be realised.

Reasons for the recommendation/Key benefits

- For St Bees Village Primary School, the extension of age range will allow the school to more effectively share its resources with the nursery.

Wigton Infant School

Option (a)

- Accept the recommendation to implement the proposed change of age range at Wigton Infant School

Option (b)

- Reject the recommendation to implement the proposed change of age range at Wigton Infant School

Risks - It is likely that staffing changes would need to be made at Wigton Infant for the re-admittance of 2 year olds to the nursery setting.

Reasons for the recommendation/Key benefits

- Following a temporary change to only accommodate 3 year olds, it is now proposed that the change be made permanent. There are no identified gaps in the area for 2 year old provision.

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

22. Free entitlement to Early Years provision for 2, 3 and 4 year olds in both the private, voluntary and independent (PVI) sector 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.

23. Cabinet are recommended to consider feedback from the representation period to approve option a which is to implement the proposed change of age range at St Bees Village primary school and Wigton Infant School.
24. At St Bees, incorporation of the Governor-led nursery into the primary school should not result in any change in either funding available or in costs incurred.
25. At Wigton Infant the reduction in age range from 2 to 7 years to 3 to 7 years will result in a reduction of Early Years DSG income in respect of 2 year olds and parental fee income where relevant. There may be an increase in DSG income relating to 3 year olds although this is paid at a lower hourly rate than for 2 year olds.

Legal Aspects – What needs to be considered?

26. Cabinet is able to adopt option/s (a) or (b) in respect of St Bees Village Primary School and Wigton Infant School. In making these decisions Cabinet should consider the DfE guidance which states that –
“Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).”
27. As paragraphs 11 and 19 above set out there were no further responses received during the representation period.
28. When issuing a decision, Cabinet can:
 - reject the proposal;
 - approve the proposal without modification;
 - approve the proposal with modifications, having consulted the LA and/or Governing Body (as appropriate); or
 - approve the proposal, with or without modification – subject to certain conditions being met.
29. 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. There is no indication in this report that the recommendation to change the age range at St Bees Village Primary School will change the childcare availability in the village. Paragraph 16 of this report confirms that there is no predicted lack of provision due to the Wigton Infant School proposal 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. There is no indication in this report that the recommendation to change the age range at St Bees Village Primary School will change the childcare availability in the village. Paragraph 16 of this report confirms that there is no predicted lack of provision due to the Wigton Infant School proposal.

30. If the change of age range is approved and the nursery at St Bees Village Primary School becomes a maintained school nursery, as opposed to Governor led provision then it will be subject to different staffing/management requirements. The key one being that a qualified teacher needs to lead the nursery provision. The school are clearly cognisant of this and paragraph 8 confirms that an additional teacher has been recruited. 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.
31. 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 changes proposed in option/s (a). As per Schedule 3 regulation 5 paragraphs (3) and (4) any determination made by Cabinet must be made within a period of two months of the end of the representation period/s. If decisions are not made within this time frame they must be referred to the Schools Adjudicator.
32. Both St Bees Village School and Wigton Infant School sit within the footprint of the new Cumberland Council. Cumbria County Council will continue to operate until 31/03/23 and as per regulation 4(3) of the Local Government (Structural Changes) (Transitional Arrangements) (No2) Regulations 2008 “anything done by... a predecessor council... in connection with, a function that is to be exercised on and after the reorganisation date by the related single tier council shall have effect as if done by, or in relation to, that council.” The proposed changes to the age ranges at St Bees Village School and Wigton Infant School trigger a statutory process which Cumbria County Council has a duty to follow. The shadow authority for Cumberland has a number of powers/duties as triggered by the Cumbria (Structural Changes) Order 2022, set out in the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 and embodied in its constitution. However, the duty to follow the statutory process in respect of school organisation proposals remains with Cumbria County Council. Notwithstanding this, relevant members of the shadow authority should of course be kept informed of these proposals.

LGR Implications

33. None. These school re-organisation proposals, if implemented, will continue into the tenure of the new Cumberland authority.

Health and Safety Aspects – What needs to be considered?

34. Both schools already have nurseries on site and comply with the health and safety requirements for their operation. The proposed changes could affect staff to pupil ratios and both schools are fully aware of what the legal requirements are for the age groups they are proposing to cater for.
35. 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 schools within County Council governance arrangements).
36. Any health and safety implications resultant from a change in age range in schools should be assessed with associated controls implemented if and when required following the analysis of the consultation feedback and Equality Impact Assessment.
37. For all settings included in the report, it is a requirement that all staff, contractors, and visitors should be made aware and understand each Schools Health and Safety Policy and associated procedures. An induction should be completed which includes key health and safety information such as any risks identified as well as awareness of the emergency procedures, fire, first aid and 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)

38. Working towards improving the schools sustainability 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?

39. EIA documents for both schools are attached as Appendix 3 and 4. These are dynamic documents, which are updated as issues arise. They have been made available on the county council website.
40. A careful consideration of these assessments 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 Letter St Bees Village Primary School

Appendix 2 - Consultation Letter Wigton Infant School

Appendix 3 – EIA St Bees Village Primary School

Appendix 4 – EIA Wigton Infant School

Key Facts

Electoral Division(s): Egremont North and St Bees, Wigton

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?
No	Yes	No	No		N/A	Yes

Approved by the relevant Cabinet Member on 13 October 2022

Previous relevant Council or Executive decisions

Cabinet - 22 September 2022 – Consultation on the potential change of age range St Bees Primary School and Wigton Infant School

Consideration by Overview & Scrutiny

Not considered by Overview and Scrutiny

Background Papers

None

Report Author

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