

**CABINET**  
**13 OCTOBER 2016****COUNCIL POLICY ON RESPONDING TO CHANGE OF AGE RANGE REQUESTS FROM COMMUNITY MAINTAINED SCHOOLS OR CHANGE OF AGE RANGE CONSULTATIONS FROM OTHER TYPES OF SCHOOLS****Relevant Cabinet Member**

Mr M L Bayliss

**Relevant Officer**

Director of Children, Families and Communities

**Recommendation**

- 1. The Cabinet Member with Responsibility for Children and Families recommends that Cabinet endorses the policy position in paragraphs 9 – 15 of the report and authorises decision-making as set out in the report.**

**Background**

2. In April 2016 the DfE published revised/corrected guidance to reflect the 2013 School Organisation Regulations. When it comes to making "prescribed alterations" in the form of certain changes of age-range at a maintained school, this guidance confirms that if the school in question is a community school, the responsibility for actually making the proposal, going through the statutory process and making the final decision, rests with the Council.

3. From this date, the revised guidance in line with the 2013 Regulations, confirms that any community maintained school wishing to change its age range by 1 year or more needs the Council to propose this change and complete the statutory process and act as decision-maker.

4. The table below lists schools that received approval to change their age range under the previous guidance, this highlights the number of changes the Council responded to:

<b>School Name</b>	<b>Change of age-range</b>	<b>Area</b>	<b>School Status</b>	<b>Date of change</b>
Sytchampton Endowed First	Change to 5-11 primary	Droitwich	Voluntary Aided (VA)	1 Sept 2015
Charford First	2 to 9 to add nursery	Droitwich	VA	1 Sept 2015

<b>School Name</b>	<b>Change of age-range</b>	<b>Area</b>	<b>School Status</b>	<b>Date of change</b>
Himbleton CE First	3 to 9 to add nursery	Droitwich	Voluntary Controlled (VC)	1 April 2015
Honeybourne First	5 to 11 primary	Evesham	AC (Academy)	1 Sept 2016
Ridgeway Middle	11 to 16 secondary	Redditch	AC	1 Sept 2016
Tudor Grange Academy	11 to 18 secondary	Redditch	AC	1 Sept 2016
Webheath First Academy	5 -11 primary	Redditch	AC	1 Sept 2016
Cutnall Green CE First	3 to 9 to add nursery	Droitwich	AC	1 Sept 2016
Astwood Bank First	5 -11 primary	Redditch	AC	1 Sept 2016
Bretforton First	5 -11 primary	Evesham	Community	1 Sept 2017
Cleeve Prior CE First	5 -11 primary	Evesham	VC	1 Sept 2017
Offenham CE First	5 -11 primary	Evesham	VC	1 Sept 2017
The Littletons CE First	5 -11 primary	Evesham	VC	1 Sept 2017

5. Since the revised guidance was published the Council has received communication regarding age range changes from the following schools. The community schools would request the Council propose the change, whereas the other types of schools (including Academy schools) should consult with the Council on the proposed change.

- a) Cutnall Green C.E First School (Academy) – to become a Primary School – consultation completed June 2016
- b) Inkberrow First School (community) – to become a Primary School
- c) Flyford Flavell First School (community) – to become a Primary School
- d) Feckenham CE First School (voluntary controlled) – to become a Primary School
- e) Broadway First School (community) – to become a Primary School
- f) Badsey First School (community) – to become a Primary School

- g) Stourport Primary School (community) – to lower age range for Nursery provision.

6. It is likely that there will be further proposals in the future. The Council has consistently advocated the need for a pyramid-wide and consultative decision-making process regarding age range change. Even with the recent change to the guidance, however, academies are able to propose changes to the Regional Schools Commissioner and experience indicates that there is a presumption to accept these proposals.

7. To allow the Council to make consistent responses to schools proposing changes of age range, it is recommended that Cabinet endorses the proposed policy. This policy may then be applied to all individual or collective applications. This policy will be used as guidance, the recommended criteria are the factors the Council will consider, but the individual situation of the particular school will be taken into account when decisions/responses are made.

8. It is proposed that the policy is provided to community maintained schools that request the Council to publish proposals on their behalf. The policy should clarify how the school will meet criteria set by the Council in order to secure support for a change of age range. The proposed criteria are set out below.

**9. Where a first or primary school is seeking to lower its age range to create or alter provision for early years the Council will, subject to any overriding individual factors, support the proposal provided that:**

- a) open and fair consultation has taken place with parents and other relevant stakeholders and there is clear support for the change;
- b) the school has a good or outstanding early years judgement, or can demonstrate how the change would support improvement;
- c) the change will sustain or improve the quality of any existing provision;
- d) the school has a clear plan to meet the requirements of the statutory framework for the early years foundation stage;
- e) the change does not reduce the number of nursery places in an area of need;
- f) the change does not reduce the number of school places in an area of need; and
- g) funding for any necessary accommodation changes has already been secured.

**10. Where a school is seeking to make any other change in age range (other than in relation to sixth form provision) the Council will, subject to any overriding individual factors, support the proposal provided that:**

- a) open and fair consultation has taken place with parents and other relevant stakeholders and the school can clearly demonstrate how any objections or issues raised will be managed;

- b) the school has a good or outstanding Ofsted judgement, or can demonstrate how the change would support improvement at the school;
- c) the school involved can demonstrate the capacity to manage any curriculum changes or has secured appropriate support to do so;
- d) the school involved can demonstrate that appropriate facilities, staff and systems will be in place, including how they will manage additional revenue costs;
- e) there is no detrimental impact on other schools i.e. it does not undermine the quality of education provided by other good or outstanding schools in the area, by creating additional places where there is already surplus capacity;
- f) there is an agreed, clear and practical pathway for children to move on from each school affected by the change;
- g) funding for any necessary accommodation changes has already been secured;
- h) any reduction in Published Admission Number or change in admission criteria required has been consulted upon and agreed; and
- i) appropriate planning permission and any other consent required have been secured.

11. **Sixth Form provision** – Where a school is seeking to alter its age range to add or remove sixth-form provision this is subject to a different statutory process and will be considered on a case by case basis.

12. It is recommended that special schools wanting to change their age range be subject to the same criteria as mainstream schools but with particular consideration given to the impact on High Needs place funding under criteria (c) above.

13. The Council will not normally be in a position to fund capital works to support a school-led change of age range. Any funding required must be secured before a Council maintained school requests a change of age range.

14. Any school altering age range at their own request will not automatically be entitled to access the Pupil Growth Fund for additional revenue support. Schools must therefore ensure they have planned how to manage any additional revenue pressures.

15. It is recommended that the Cabinet Member for Children and Families considers the criteria laid out above against which any requests for publication of a statutory notice for change in age range by Council maintained schools can be judged.

## **Legal, Financial and HR Implications**

16. There are no legal, financial or HR implications as a result of the proposed policy.

17. School Organisation changes need to adhere to the statutory guidance from the Department for Education. The decision-maker for changes to community maintained schools etc is the Council as Local Authority (subject to certain Diocesan

rights of appeal). Any statutory proposals to be decided by the Council would be subject to the following governance:

- a) Decision on pre-consultation – Director of Children, Families and Communities, in consultation with the Cabinet Member for Children and Families
- b) Request to publish full proposal and public notice – Cabinet
- c) Decision on proposal – the Director of Children, Families and Communities be authorised to approve the proposals in respect of which no objections to the Public Notices are received; or the Cabinet Member with Responsibility for Children and Families be authorised to decide the proposals in respect of which objections to the Public Notices are received. (This decision route would also apply to non-statutory processes requiring a Council decision).

The Director of Children, Families and Communities is authorised to respond to consultations and informal enquiries in consultation with the Cabinet Member with Responsibility for Children and Families.

## **Privacy and Public Health Impact Assessments**

18. Not applicable in this case.

## **Equality and Diversity Implications**

19. An Equality Relevance Screening has been completed in respect of these recommendations. The screening did not identify any potential Equality considerations requiring further consideration during implementation.

## **Supporting Information**

The Appendices are available electronically and at County Hall Reception:

- Appendix 1 - Equality Relevance Screening
- Appendix 2 - Process to change age range of maintained school
- Appendix 3 - Timeline for change of age range of maintained school

## **Contact Points**

### County Council Contact Points

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### Specific Contact Points for this report

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## **Background Papers**

In the opinion of the proper officer (in this case the Director of Children, Families and Communities) the following are the background papers relating to the subject matter of this report:

DfE Guidance – Making 'proscribed alterations' to local-authority maintained schools.

<https://www.gov.uk/government/publications/school-organisation-maintained-schools>