

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**11 March 2021**

**Report of the Executive Director for Children's Services**

**CHILDREN'S SERVICES – PROPOSED ALTERATION OF THE LOWER AGE LIMIT OF BRACKENFIELD SEND SCHOOL**

**1. Purpose of Report**

- i) To advise Cabinet of the outcome of an initial consultation carried out by Brackenfield School on a proposal to alter the school's lower age limit from 4 years to 3 years so that it can offer nursery provision;
- ii) To seek Cabinet's approval of the publication by the Local Authority of a formal statutory proposal to lower the school's age limit, as described above.

**2. Information and Analysis**

The Authority proposes to alter the lower age limit of Brackenfield School from 4 years to 3 years by extending the provision to include both Foundation Stage 1 and Foundation Stage 2 children. The Authority has confirmed that the school already has adequate staffing and premises for a maximum 8-place Nursery. If implemented, this proposal will allow the school to offer families a seamless and comprehensive education program for children from 3 years. The school has carried out a pre-publication consultation and 44 responses were received. The summary of those responses is at Appendix 1. The Head teacher has reported that Governors and staff are supportive of the proposed alteration of the school's lower age limit and that the Governing Body are therefore eager for the Authority to publish the proposal (a copy of which is appended to this report as Appendix 2) in accordance with the formal statutory process prescribed by the School Organisation

(Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

### **3. Financial Considerations**

It is proposed to locate the nursery within the existing early years setting and there will be no additional building or staff costs.

### **4. Human Resources Considerations**

The school has Early Years trained staff already on the teaching and support staff.

### **5. Legal Considerations**

A local authority which is proposing to make a prescribed alteration to a maintained school is required to publish its proposals in accordance with section 19 of the Education and Inspections Act 2006. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (“the Regulations”) and relevant DfE statutory guidance (‘Making Prescribed Alterations to Maintained Schools’ (April 2016)) sets out the procedure for making a prescribed alteration, which includes altering the lower age limit of a community school, including the addition of nursery provision. The Regulations require the publication of the Authority’s proposal on its website and a notification of the proposal (including the website where the proposals are published) in a local newspaper. Once the proposals have been so published, there follows a four week representation / formal consultation period, during which time any person may make representations to the Authority on the proposal. Within two months of the end of the representation / formal consultation period, the Authority is required to make a decision as to whether or not to implement the proposal. Should a decision not be made by the Authority within this time frame, the proposal must be sent to the Office of the Schools Adjudicator for determination.

### **6. Social Value Considerations**

Research has shown that when schools provide Early Years education, pupils make improved progress as they move between Early Years and Key Stage 1, allowing for consistent progress. The transition becomes a smooth and effective process allowing the children to settle more quickly. Staff can get to know the parents/carers on entry and build on this partnership in the ensuing years; it provides the continuity of education and provision through a single leadership team and governing body.

**7. Other Considerations**

In preparing this report the relevance of the following factors has been considered: - prevention of crime & disorder, equality of opportunity, environmental, health, human rights, property and transport considerations.

**8. Key Decision**

No

**9. Call-in**

Is it necessary for the call-in period to be waived in respect of the decisions being proposed in the report?

No

**10. Background Papers**

These are held on file in the Children's Services Development Section.

**11. Officer Recommendation**

That Cabinet notes the response to the informal consultation carried out by Brackenfield School and approves the publication by the Authority of a formal statutory proposal to lower the school's age limit from 4 years to 3 years so that it can offer nursery provision.

**Jane Parfremment  
Executive Director for Children's Services**

## Appendix 1

### Summary of responses

The school's consultation ran from the 15<sup>th</sup> December 2020 to 26<sup>th</sup> January 2021. A copy of the consultation was advertised on the school website. The school notified all the parents of existing pupils, all members of staff, The Local Authority, Head teachers and Governing bodies of schools within a two-mile radius and other pre-school or playgroups within a two-mile radius.

The school received 44 responses to the consultation.

44 responses were received which support the proposal to be taken to a full consultation; which is a 100% of responses.

Of these 44 responses, the following points were also raised:

- 10 responses specifically commented on how this would address a need within EYFS provision to provide specialist support / increase options and support for families with children with SEND / support the wider community
- 15 responses specifically commented on how this would be a positive move forward for the school / how well the school would be able to provide provision for 3-year-olds.
- 1 comment was related to equity of provision for the 15 hours universal provision.
- 2 comments commented on the current infrastructure at Brackenfield and whether more pupils would impact this. The school has projected that they could accommodate a maximum of eight 3-year-olds from September 2021.

Within the received responses, other comments for consideration were raised as below:

- 1 response asked for Brackenfield to consider post 16+ provision as well.
- 1 response asked for an EYFS specific class to be considered. This would be the provision offered. EYFS children would be accommodated in specific EYFS classes.

## **Appendix 2**

### **Derbyshire County Council**

#### **Statutory Proposal by Derbyshire County Council to alter the lower age limit of Brackenfield School from 4 years to 3 years**

##### **Introduction**

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Derbyshire County Council (“the Local Authority”) proposes to make a prescribed alteration to Brackenfield School, Bracken Road, Long Eaton, Nottinghamshire, NG10 4DA, namely altering the lower age limit of the school from 4 years to 3 years so as to add nursery provision with effect from 1<sup>st</sup> September 2021.

##### **Context**

Brackenfield is a South Derbyshire special school for children from 4-16 years old. Over the last 3 years they have streamlined their offer to become a specialist school for pupils with communication and comprehension difficulties. All pupils are significantly cognitively impaired, operating developmentally between 0 – 6 years of age. The school support pupils’ learning and journey into adulthood through a curriculum based on life skills and skill generalisation. Pupils are not taught in chronological age groups, they are placed in class groups dependent on their cognitive, sensory, social emotional and communication needs. Classes are organised into pathways. All pupils are placed in a pathway however some may have some of their education in another pathway based on their individual needs. Pupils may move pathways in their school career or even in a year.

##### **Proposal**

The Local Authority is proposing to alter the lower age limit of the school from 4 years to 3 years by extending the provision to include both Foundation Stage 1 and Foundation Stage 2 children (from the age of 3 instead of 4). The school already has adequate staffing and premises to make this alteration without significant changes being required and with minimal disruption to the existing provision.

This means that, if the proposal is implemented, the school will be able to offer families a seamless and comprehensive education programme for children from the age of 3 years.

The Local Authority anticipates that, working with the existing premises and staff, the school will be able to offer the full government entitlement of 15 hours up to 27.5 hours of provision of free early years education.

If the proposal is implemented, it is anticipated that the school will be able to accommodate 8 three/four year-olds within the setting.

## **Staff**

If the proposal is implemented, the school will utilise the existing highly qualified staff, which includes both teachers, STLAs and LSAs that are trained in early years provision and staff that have extensive experience of working with this age group. If required; the school would also recruit new staff to support this provision or the existing provision within the school.

The school could accommodate up to 8 3-year-olds from September 2021. The school runs its academic year from June to June which means that these pupils could have transition and visit days prior to the summer holidays. This supports parental anxiety and allows pupils to have some familiarity with the space, staff, school and peers.

The staffing ratio depends on the needs of the children and the requirements within their EHCPs but the expected model would be a teacher; two STLAs and potentially an LSA as well. In addition to these class staff the school employs Health and Personal Care staff to further support with medical, health and personal and intimate care needs. There is also a well established Children's Service Team which provides extensive early help and support to families.

## **Funding**

The Authority receives funding from the Government, in the form of the High Needs Spending Block for children with EHCPs where Brackenfield SEND School has been named within Section I. All pupils would have access to 15 hours of provision and up to the full-time provision at Brackenfield which is currently 27.5 hours. The school would be funded 50% of the place fee and top-up fee for any child attending less than 2.5 days a week and 100% of any child attending more than 2.5 days a week.

If the proposal is implemented, the school will receive its funding for eligible children from the on roll date. For pupils that fell within the 112 bought

Derbyshire County Council places additional funding for the top up would be given to school. Any pupil falling outside the 112 bought places would secure the placement fee and site specific funding in addition to the top up funding. Top up funding amounts are discussed between the Headteacher and LA on consultation.

Following the statutory consultation, the responses will be reported to Cabinet to inform a decision on the proposal.

### **Statutory Consultation**

The consultation on this proposal will run for four weeks from Monday 19<sup>th</sup> April to Friday 14<sup>th</sup> May 2021.

The consultation document will be available on request from the e-mail below and will also be on the school website and on the DCC website:

[www.derbyshire.gov.uk](http://www.derbyshire.gov.uk) .

Any comments, observations or objections in relation to this proposal should be sent to –

Mrs Jenny Webster  
Block C, Chatsworth Hall  
Chesterfield Road  
Matlock  
DE4 3FW  
Or by e-mail to; [jenny.webster@derbyshire.gov.uk](mailto:jenny.webster@derbyshire.gov.uk)

The deadline for submitting responses to this consultation is **Friday 14<sup>th</sup> May 2021**.