

**FOR PUBLICATION
DERBYSHIRE COUNTY COUNCIL**

CABINET

8 July 2021

Report of the Executive Director of Children's Services

**Outcome of the Statutory consultation on the proposed conversion of Mickley
Infant School to a Primary School**

Education

1. Divisions Affected

1.1 Wingerworth and Shirland

2. Key Decision

2.1 This is not a key decision

3. Purpose

3.1 To report to Cabinet the outcome of the statutory consultation carried out for Mickley Infant School to propose the conversion to a Primary School, and to seek Cabinet's approval to expand the school and to increase the age range of pupils at the school for the new primary phase.

4. Information and Analysis

Mickley Infant and Nursery School currently provides education for children aged 3 to 7 years. The school was designed as an infant only site to accommodate 40 infant age pupils and a 20 place nursery. The nursery numbers are fluid dependent on the number of reception children already in school as the class is run as an Early Years Foundation Stage (EYFS) unit. The school also offers 30 hour funded places for those parents who can access this.

The core facilities (hall and dining) accommodate their existing pupils. There is no library or separate physical education facility.

The expansion of the school and the change of age range would support the housing development in the locality with land potentially being available to expand the site next to the school or at the rear of the school as it backs onto farmland.

The school and local community recognises and supports the need for the expansion of the age range to become a primary school and last year a petition in support of the expansion was forwarded to the Cabinet Member for Young People. Currently most children attend Shirland Primary School for their junior provision.

The estate where Mickley Infant & Nursery School is situated has poor public transport links and this is exacerbated by the fact that the bus that they currently use has been stopped in the evenings. Historically, the parents have organised and funded this but it is no longer financially viable. As a result, parents are struggling to ensure that their children arrive and return from Shirland Primary School in time for the school day. As a response to this, Mickley Infant School has been forced to shorten its school day as parents could not be in two places at once.

There is a planning application for 120 dwellings in the normal area of the school which would yield an additional 24 primary school aged children. Shirland Primary School is unable to expand any further and following the DfE Building Bulletin 103 guidance on accommodation requirements, Mickley Infant School has space to become a Primary School with a pupil admission number of 10 per year group and a capacity of 70.

A non-statutory consultation took place from 24 September 2020 until 12 November 2021 to gauge opinion on the proposal to change Mickley Infant School to a Primary School. The outcome of that consultation was reported to Cabinet on 11 March 2021 (minute number 56/21) and members approved the proposal to undertake a statutory consultation.

5. Consultation

- 5.1 The statutory consultation was carried out for a four-week period between the 18 April 2021 to 19 May 2021 in accordance with the formal statutory process as set out in the DfE statutory guidance, '*Making Significant Changes (prescribed alterations)*' to *Maintained Schools*' (October 2018). There were 53 responses to the consultation. 52 responses were in overwhelming support of the proposal. There were common themes to the responses and therefore they have been grouped together.

General

43 respondents simply provided general support for the proposal or identified it as being in the best interests of children, the school and the community.

Quality

7 respondents expressed satisfaction at the quality of the existing school provision and would welcome the opportunity to continue their child's education there if the school were a primary.

Transportation

23 respondents expressed concerns around distance and travel of the existing junior provision; numerous features were cited in particular:

9 respondents reported their concern for having no means of transportation and the current poor transportation links to the existing junior provision.

6 respondents highlighted current safety concerns around travelling on foot to the alternate primary provision, especially in the winter months.

8 respondents noted their struggles, pressures or upcoming concerns in getting siblings of differing ages to different schools that are not close in distance

Housing Developments

2 respondents expressed concerns around housing developments at neighboring Primary Schools and the impact on those schools then having enough capacity for the children from Mickley; the proposal would reduce the concerns of being able to be accommodated at other schools.

Transition

1 respondent identified that by extending the schools age range the children would be relieved of a potential stressful situation of transitioning to another school.

Other responses

A neighbouring Primary School responded requesting additional information. Additional information was provided prior to the closure of the consultation and an Officer of the Authority has since met with the school and a representative of the governing body to further clarify points raised. The main points requiring clarification were:

Pupil admission arrangements (PAN) to the affected local Primary school following expansion of their site and normal area consultation.

Local Authority Response:

An officer met with the School and explained the consultation processes of increasing a schools PAN when a school has two forms of intake being the reception year and at KS2. The Authority has agreed to the Primary School exceeding their reception PAN to 30 so that as Mickley grows their KS2 provision year on year, the school's numbers are not compromised. It is envisaged and has been discussed with both affected schools, that in preparation for Mickley having full KS2 provision (by 2025) the KS2 intake be removed from the neighbouring school, and a further consultation be undertaken to determine each schools normal area as set out by the Schools Admissions Code 2014.

Planning applications detailed in the consultation were inaccurate

Local Authority Response:

The Authority were only able to provide information on approved planning applications at the point of consultation. It is recognised that there may be other applications in the pipeline but until a formal planning application has been made, these cannot be considered.

Concerns of misappropriation of approved S106 funding

Local Authority Response:

Any approved S106 payments with a named school will be expended at that named school.

The Consultation did not identify the funding for the proposed expansion required at Mickley

Local Authority Response:

The funding of the project will be subject to a separate Cabinet Report.

Availability of additional land referred to in the consultation

Local Authority Response:

Mickley Infant School has a sufficient site size in accordance with BB103 for the proposed capacity of 70 with a PAN of 10. The additional land referred to in the consultation was detailed should the school need to extend its capacity

to accommodate additional pupil yields. If this is required, officers will undertake negotiations with the relevant landowners.

The consultation did not detail a timeline for the proposal

Local Authority Response:

It is proposed that Mickley Infant School be able to admit year 3 pupils from September 2022 concurrently with the additional accommodation being built.

6. Alternative Options Considered

- 6.1 Not to proceed – The school would remain an Infant School and the children would go to an alternative location for their Junior provision. When reviewing the responses to the statutory consultation it would be the preferred option to proceed with the change of age range and include junior provision at the current Mickley Infant School by extending its age range and making it a primary school.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

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

9. Appendices

- 9.1 Appendix 1- Implications.

10. Recommendation(s)

That Cabinet:

- (1) considers the statutory consultation responses and the publication of the statutory notice; and
- (2) considers approving the proposal to change the status of Mickley Infant School to a Primary School by expansion of the school premises to increase the age range of pupils at the School.

11. Reasons for Recommendation(s)

- 11.1 In response to the overwhelming support from the outcome of the pre-publication and statutory consultations.

12. Is it necessary to waive the call in period?

12.1 No

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Implications

Financial

- 1.1 A feasibility was carried out for the additional accommodation in 2019 which could be phased. An update will be required to confirm the agreed option, phasing and ultimately the estimated budget cost. The cost however is expected to be in the region of £1M for the first phase. Funding is the subject of a separate report to Cabinet. Subject to funding, the design and project delivery will be procured through Concertus Derbyshire Ltd for completion in accordance with a project programme to be agreed.

Legal

- 2.1 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 Significant Changes (prescribed alterations) to Maintained Schools*' (October 2018) 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. This consultation was carried out from the 18 April to 19 May 2021 following approval from Cabinet on the 11th March 2021. 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. Pursuant to section 13 of the Education Act 1996 the local authority shall (so far as their powers enable them to do so) contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education and secondary education are available to meet the needs of the population of their area.

Human Resources

- 3.1 The school will increase their staffing with suitably qualified personnel accordingly with the incremental increase in year groups.

Information Technology

4.1 None

Equalities Impact

5.1 No Impact – The school do not currently have an equalities impact assessment.

Corporate objectives and priorities for change

6.1 Not applicable

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 A primary school is able to organise and co-ordinate the teaching across the primary phase, and there is no need for a transition between infant and junior schools; the transition from infant to junior can be unsettling for some children and impact on educational progress, parents may have children in both infant and junior schools at separate locations thus presenting travel and time issues in getting children to school.