

**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 alteration of the lower age limit at Brackenfield School

Education

1. Divisions Affected

1.1 Countywide

2. Key Decision

2.1 This is a key decision

3. Purpose

3.1 To report to Cabinet the outcome of the statutory consultation carried out for Brackenfield School to alter the lower age range from 4 years to 3 years so that the school can offer Nursery provision and to seek a decision on the proposal.

4. Information and Analysis

A non-statutory consultation took place from 15 December 2020 until 26 January 2021 to gauge opinion on the proposal to change the age range at Brackenfield Special School from 4 years to 3 years by extending the provision to include both Foundation Stage 1 and Foundation Stage 2 children. The outcome of that consultation was reported to Cabinet on 11 March 2021 (minute number 55/21) and members approved the proposal moving to statutory consultation. The Authority has confirmed that the school

already has adequate staffing and premises for a maximum 8-place Nursery. If implemented, this proposal would allow the school to offer families a seamless and comprehensive education program for children from 3 years. During the four-week consultation period one response was received in support of the proposal.

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). One response was received in support of the proposal.

6. Alternative Options Considered

- 6.1 Not to proceed – The school would keep their lower age range of 4

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 responses to the statutory consultation; and
- (2) Consider approving the publication of the statutory notice to lower the age range at Brackenfield School from 4 years to 3 years so that it can offer nursery provision.

11. Reasons for Recommendation(s)

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

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 the 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.

Human Resources

- 3.1 The school has Early Years trained staff already on the teaching and support staff and their contracts would be varied through agreement if applicable.

Information Technology

- 4.1 None

Equalities Impact

- 5.1 No Impact – The school do not 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 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.