

Public Report

**Birmingham City Council**

**Report to Cabinet Member for Education Skills and Culture, jointly with the Director of Education & Skills**

Date 05 July 2019



**Subject:** PROPOSAL TO ALTER THE AGE RANGE TO ESTABLISH NURSERY PROVISION AT COLEBOURNE PRIMARY SCHOOL

**Report of:** Assistant Director for Education and Early Years

**Relevant Cabinet Member:** Councillor Jayne Francis - Education Skills and Culture

**Relevant O &S Chair(s):** Councillor Kath Scott – Education and Children’s Social Care.

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Bromford and Hodge Hill		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

**1 Executive Summary**

1.1 To seek the determination of a statutory proposal to:

Alter the age range of Colebourne Primary School from 4 – 11 to 3 -11 years to establish nursery provision.

## **2 Recommendations**

That the Cabinet Member for Education, Skills and Culture jointly with the Director of Education and Skills;

- 2.1 Approve, having taken into account the statutory guidance, the statutory proposal to alter the age range to establish nursery provision at Colebourne Primary School with effect from 1<sup>st</sup> September 2019.

## **3 Background**

- 3.1 Colebourne Primary School is a two form entry community primary school with an admission number in reception of 60. The school is situated in the Bromford and Hodge Hill ward in the Hodge Hill district of the City. The age range of the school is 4 – 11 years.
- 3.2 The Local Authority is proposing to alter the age range of Colebourne Primary School from 4 -11 years to become 3 – 11 years to establish nursery provision. It is proposed that 26 full time equivalent places for pupils aged 3 years will be available in the nursery class with effect from 1st September 2019.
- 3.3 There will be no enlargement of the premises to accommodate the nursery provision. The nursery will be accommodated in refurbished space within the existing school building(s). The LA will support refurbishment costs to provide space in the existing building. The LA has committed up to £125,000 from its Early Years Capacity Building Fund in support of refurbishment works.
- 3.4 The revenue running costs of the new nursery class would be covered from the income generated by Early Education Entitlement (EEE) revenue funding, on a termly basis and based on actual eligible 3 and 4 year old children attending the nursery class.
- 3.5 Although there is sufficient supply of provision in the ward, the area would benefit from an increase in “good” quality provision. Currently the number of Good and Outstanding providers in the Bromford and Hodge Hill Ward is lower than average 2018 “Good Level of Development” (GLD) results for reception age children. 65.52% of children in the ward achieved GLD against the national average of 71.5% and Birmingham average of 67.7%. Colebourne Primary School currently measure 70% of the children achieving GLD.
- 3.6 Colebourne achieved a higher level of GLD than the ward average and the Birmingham average but slightly less than the national average. This is a positive level as this is achieved without having an on-site nursery class and working with children joining their reception class from 20 different childcare providers, which can create a significant challenge.
- 3.7 The addition of nursery provision may provide existing staff with increased opportunity of professional development. Any changes to existing terms and conditions of staff will be with full consultation with the trade unions and teaching associations.

- 3.8 The admission arrangements of the school are not affected by this proposal. The admission number for Reception will remain at 60. Attendance at the nursery provision will not give pupils any priority to admission into the school's Reception.
- 3.9 In compliance with DFE guidance, a statutory notice and proposal were published and the representation period was between 9<sup>th</sup> May 2019 and 5<sup>th</sup> June 2019 (four weeks) and commenced with the publication of a statutory notice in the Birmingham Post. During the four week representation period, comments on the proposal could be submitted in writing to Education Infrastructure, via the BeHeard webpages, email or letter. A copy of the full proposal and the public notice can be found in Appendices 1 & 2.
- 3.10 At the close of the representation period one response was received regarding the proposal. This was received via the BeHeard webpage and was from a local resident who was in favour of the proposal. The respondent did not leave any comments (appendix 3).
- 3.11 The Education and Inspections Act 2006 and Regulation 7 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Prescribed Alterations Regulations) state that the Local Authority must have regard to any guidance issued by the Secretary of State when making a decision on such proposals. The relevant statutory guidance is attached (Appendix 4). The Education and Inspections Act 2006, and Paragraph 5 of Schedule 3 to the Prescribed Alterations Regulations allows for the proposals to be approved, approved with modification, approved subject to meeting a prescribed condition, or rejected.
- 3.12 If the proposal is approved, the age range of Colebourne Primary School will change to 3 – 11 years and the nursery provision will be established with effect from 1<sup>st</sup> September 2019.

#### **4 Options considered and Recommended Proposal**

- 4.1 It is recommended that the proposal to alter the age range of Colebourne Primary School to 3 – 11 years to establish nursery provision be approved.
- 4.2 Should the proposal be rejected the age range of the school will remain 4 – 11 years and nursery provision will not be established. If nursery provision is not established at Colebourne Primary, the school will continue to admit pupils in reception from up to 20 different providers in the area and it is likely that outcomes for children in the ward may not improve.

#### **5 Consultation**

##### **5.1 Internal**

During the statutory consultation periods, information about the proposal was sent to:

- Ward Councillor for Bromford and Hodge Hill

- Officers from services across Birmingham City Council including Admissions, Finance, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Education and Skills.

The Ward Councillors consulted and the date and method of consultation is set out in Appendix 5.

## 5.2 External

5.2.1 The proposal has been fully consulted upon in line with the requirements set out in the statutory guidance “Making significant changes (‘prescribed alterations’) to maintained schools” (October 2018) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in Appendix 4.

5.2.2 During the pre-statutory consultation period, information about the proposal was publicised to parents/carers, staff and governors of the school. During the statutory consultation period, information about the proposal was publicised to all stakeholders consulted during the pre-statutory period and the following additional consultees:

- Birmingham Schools;
- Neighbouring Local Authorities;
- The Archdiocesan and The Anglican Diocese of Birmingham;
- Professional Associations and Trade unions
- Member of Parliament for Hodge Hill
- Department for Education – School Organisation

5.2.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper;
- On Birmingham City Council BeHeard webpage;
- On the schools’ webpages;
- On the Birmingham City Council School Notice Board.
- Emails to stakeholders and groups

5.2.4 A copy of the full proposal document can be found in Appendix 1 and the Public Notice in Appendix 2. The outcome of the external consultation is set out in Section 3 of this report.

## 6 Risk Management

6.1 Should the proposal to change the age range to 3 – 11 years to establish nursery provision not be approved there is a risk that the school will continue to admit pupils in reception from up to 20 different providers in the area and it is likely that outcomes for children in the ward may not improve demonstrated initially by lower than average future Good Level of Development results at Reception age.

## **7 Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

- 7.1.1 The Local Authority has a statutory duty to ensure there is sufficient early education and childcare provision in Birmingham – to secure sufficient childcare for working parents (free entitlements for two, three and four year olds). Although there is sufficient supply of Early Education and Childcare provision (age 0 to 4) in the local area surrounding Colebourne Primary School i.e. Bromford and Hodge Hill ward, the area would benefit from an increase in “good” quality provision and will contribute to improving outcomes for children and families.

### **7.2 Legal Implications**

- 7.2.1 This report exercises powers contained within sections 19 and 21 of the Education and Inspections Act 2006 and Schedule 2 and Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the “Prescribed Alterations Regulations”), whereby the Local Authority of a Community Primary School can propose to alter the age range to establish nursery provision by following a statutory process. Under the Prescribed Alterations Regulations, the Local Authority is the decision maker for this statutory proposal.

### **7.3 Financial Implications**

- 7.3.1 The LA has committed up to £125,000 from its Early Years Capacity Building Fund in support of refurbishment works. The revenue running costs of the new nursery class would be covered from the income generated by Early Education Entitlement (EEE) revenue funding on a termly basis and based on actual eligible 3 and 4 year old children attending the nursery class.

### **7.4 Procurement Implications (if required)**

Not applicable.

### **7.5 Human Resources Implications (if required)**

- 7.5.1 The school is currently engaging with staff about the future structure of roles across the school. This proposal will form part of the engagement. Any changes to staff terms and conditions will be with full consultation with the trade unions.

### **7.6 Public Sector Equality Duty**

- 7.6.1 An updated Equality Assessment initial screening was carried out in October 2018 (EQUA221) for the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of these recommendations.

## **8 Background Documents**

### **8.1 List of Documents**

- Education and Inspections Act 2006
- Making significant changes ('prescribed alterations') to maintained schools: "Statutory guidance for proposers and decision makers" published by the Department for Education (DfE) October 2018.

### **8.2 List of Appendices accompanying this Report (if any):**

- 1. Full Proposal Document
- 2. Public Notice
- 3. Consultation Response
- 4. Guidance for Decision Makers
- 5. Ward Councillors Consulted.