

Wards Affected:

Woughton and Fishermead
Central Milton Keynes

ITEM 10**DELEGATED DECISION****13 JANUARY 2015****PROPOSAL TO MAKE SIGNIFICANT CHANGES TO OLDBROOK FIRST SCHOOL, JUBILEE WOOD PRIMARY SCHOOL AND THE WILLOWS SCHOOL AND EARLY YEARS CENTRE**

Responsible Cabinet Member: Councillor Miles, Cabinet member for Children and School Improvement

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Executive Summary:

In order to make significant changes to a maintained school the Council must follow a process prescribed by law. This process is in four stages:

- 1) Publication of a notice of a statutory proposal
- 2) Formal four week consultation
- 3) Decision
- 4) Implementation (which may include planning permission, if appropriate)

Before commencing this statutory process the law specifies that there is a strong expectation on schools and the Council to carry out an early consultation exercise with stakeholders about the principle of the proposal.

The Council has therefore completed an early consultation in relation to the Council working with Oldbrook First School, Jubilee Wood Primary School and The Willows School and Early Years Centre to lower the age range.

This paper intends to report the results of the early consultation process and recommends that the Council proceeds to the first stage of the statutory process as above.

1. Recommendations

- 1.1 That a statutory proposal be published to lower the age range at Oldbrook First School, Jubilee Wood Primary School and The Willows School and Early Years Centre to enable the schools to offer nursery provision for children from the age of two.

2. Issues

- 2.1 All Councils are required by law to ensure there are sufficient free child care education places (for a maximum of 15 hours a week over a minimum of 38 weeks of the year) for eligible two year olds and all three and four year olds. The Council's duty for two year olds became a legal requirement from September 2014, and therefore the Council recognises that more early years

places are required across the borough, to reflect the recent increase in the duty.

- 2.2 Attending early education provision is not required by law, however the Council would like to ensure there are enough places across a range of providers so that at least 90% of eligible two year olds and 98% of three and four year olds are able to attend local provision should they wish to take up their legal right. These targets are high compared to the rest of the country.
- 2.3 There are six different types of providers able to offer free early years education: childminders, day nurseries, nursery units of independent schools, pre-schools, school nursery classes and nursery schools. Each of these providers are required to follow the same “Early Years Foundation Stage”, which sets standards for the learning, development and care of children from birth to 5 years old, and each will be inspected by Ofsted using the same criteria. Providers offer a different approach for helping children to achieve the standards for learning (teacher led, or nursery nurse led), and are able to offer the free hours in a variety of ways. School based provision and some pre-schools are usually open during term time only and offer 3 hours per day either in a morning or afternoon. Other providers can be open all year round and can offer the free entitlement as a full day or stretched throughout the week.
- 2.4 Detailed analysis demonstrates that there is a projected deficiency of early years sessional care places (those which normally offer places either in the morning or the afternoon during term time) for two year olds in the area of Oldbrook north, Fishermead and Springfield. Further, due to the central location of Oldbrook, Fishermead and Springfield, provision is also used by children who live out of the local area, putting pressure on local places.
- 2.5 There are currently 24 registered early years providers in Oldbrook north, Fishermead and Springfield, 12 of these offer funded places for three and four year olds. Only six offer funded places for two year olds, since only providers that are inspected by Ofsted to be ‘Good’ or ‘Outstanding’ are able to offer places for two year olds. Those providers judged by Ofsted to be ‘Requires Improvement’ are able to continue to offer provision for those children already registered with them; however they can only accept new two year old children into their care in areas where a need for additional places has been identified.
- 2.6 In considering the deficit of places for two year olds and the limited choice of providers for parents, the Council carried out an early consultation to gather the opinions of the local community, including other providers, about the principle of the Council working with the local schools to establish school based provision.

The Proposals

- 2.7 There are three maintained schools located in Oldbrook and Fishermead (Oldbrook First School, Jubilee Wood Primary School and The Willows School and Early Years Centre). Additionally there are two academies in Springfield (Shepherdswell Academy and Orchard Academy). Each of the maintained schools has approached the Council with a desire to change the school’s age

range to incorporate nursery provision for children aged from two. The proposed schemes are outlined below.

- (a) **Oldbrook First School:** The school could offer up to 36 places for two, three and four year olds twice a day (72 places in total) if a new nursery unit were to be added to the school via a small building programme. This provision could be open during 2016. Oldbrook First School was last judged by Ofsted to be 'Good' (with 'Outstanding' features) on 27 November 2012.
- (b) **Jubilee Wood Primary School:** Following the building works at the school, the current infant building is scheduled to be vacated by the late summer of 2016. It is proposed that this building will become an early year's centre, offering a mixture of sessional care (for those children purely taking up their 15 hours entitlement during term time), and day care provision (enabling children from the age of 3 months old to access at least their free entitlement and more, to support the needs of working parents). This proposal is for the school to offer up to 50 places for two, three and four year olds twice a day (100 places in total). The school was last judged by Ofsted to be 'Requires Improvement' (with 'Good' features) on 9 January 2014.
- (c) **The Willows School and Early Years Centre:** From September 2016 the school will be expanding the number of places available for children starting in year R. To accommodate this, the current full day care provider (Acorn Childcare) will be moving into the new Early Years Centre at Jubilee Wood Primary School. The vacated area of The Willows' building will then be used for the school's already established nursery class, for three and four year olds. The school would like to extend this provision for eight two year olds. The school was last judged by Ofsted to be 'Good' on 13 March 2014.

Early consultation

- 2.8 An early consultation on the principle of the Council working with local schools to increase provision for two, three and four year olds took place between 13 October and 23 November 2014, a period of six working weeks in term time.
- 2.9 A total of 1878 consultation documents (attached at Annex B) were sent out to a range of stakeholders, and the consultation document was available online, alongside an electronic response form. Five public information events were also held at the schools and children's centre to give interested parties the opportunity to discuss the proposal.
- 2.10 In response to the consultation, summarised in Annex A, there were 391 responses (a response rate of 21%). 389 (99%) of those who responded were in favour of the proposal to offer school based provision, whilst two of those who responded were against the proposal (1%).

3. Options

- 3.1 Option 1: The Council does not proceed to work with local schools to establish school based early years provision for two year olds

In order that the Council meets its statutory duty, this option would rely on existing provision expanding, or for new providers to become established. As part of the consultation two existing providers have expressed an interest in expanding their offer. The academy sponsor of Shepherdswell Academy, which has a privately run pre-school ('Little Lambs') for three and four year olds on its premises, has expressed an interest to work in partnership with the Council to explore options for increasing capacity so that places can be offered for two year olds in Springfield. Additionally, Acorn Childcare has expressed a desire to increase the size of their provision and to work in partnership with Jubilee Wood Primary School to offer additional sessional care for the local community on top of the full day care that they already provide. However, this option alone would be against the majority of responses to the early consultation who showed overwhelming support for creating school based provision; therefore this is not the recommended option.

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- 3.2 Option 2: The Council proceeds with only some of the maintained schools to increase early years provision.

Any new school nursery class will take the Ofsted judgement of the school. If the Council were to only progress those schemes attached to school's judged by Ofsted to be 'Good' or 'Outstanding', additional two year old provision would be required elsewhere. As per option 1, existing providers have come forward with a desire to expand.

This option would secure sufficient places for the local community, allow the Council to meet its statutory duty, increase choice in providers for parents and will also allow the existing providers an opportunity to expand. However, it is clear from the early consultation that there is support from the local community for additional school based provision. Therefore, to progress this option would be contrary to the response from the early consultation. This is not the recommended option.

- 3.3 Option 3: The Council proceeds to work with all maintained schools in the area to establish school based early years provision for two year olds and to increase provision for three and four year olds.

The 'Early education and childcare statutory guidance for local authorities (September 2014)' and the local policy ('Provider Guidance 2014') stipulate that providers judged by Ofsted to be 'Requires Improvement' cannot offer places to new children unless there is an identified need for provision. Since Oldbrook First School and The Willows School (both judged by Ofsted to be 'Good') have only indicated the desire to each offer up to eight places for two year olds, additional places for two year olds will still be required. Therefore the Council would need to seek additional places, and would be able to use providers that are judged by Ofsted as 'Requires Improvement'.

This option would enable to Council to meet its statutory duty and will be aligned to the findings of the early consultation, which showed overwhelming support for school based provision. **This is the recommended option.**

4. Implications

4.1 Policy

Ensuring sufficient early education and school places is fundamental to delivering the Council's vision that our residents have access to all the services they need and have the support to access opportunities and enjoy a healthy and good quality of life.

4.2 Resources and Risk

Capital

Oldbrook First School is the only scheme that would require a capital scheme, since the schemes at Jubilee Wood Primary School and The Willows School will utilise existing spaces and will only require minimal adaptations. An initial estimate of the costs associated with providing the additional accommodation required as a result of the change of age range is £650k. An initial estimate of the resource required can be accommodated within the school build programme. Authority to seek both spend and resource approval will be considered by the Capital Programme Review Panel and come forward for approval by Cabinet.

Revenue

Early years and schools revenue funding is part of the Dedicated Schools Grant (DSG) and therefore these proposals do not directly impact on the Council's General Fund.

Asset Management

The Jubilee Wood Primary School scheme seeks to utilise an existing asset of the Council (the vacated infant school building). Should this scheme not proceed, the Council would need to consider else how to use and manage part of this resource to meet the needs of the community.

Risks

Ofsted judgements may change after the decision is taken to proceed with the statutory process.

Y	Capital	N	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	Y	Asset Management

4.3 Carbon and Energy Management

The capital works linked to this proposal would be delivered in line with the Council's Carbon and Energy Management Policy and support the principles of maximising energy efficiency and carbon reduction in buildings, equipment and vehicles and would use the most sustainable or renewable energy sources.

4.4 Legal

This proposal is subject to statutory procedures as established by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

If approved, the next step will be for the Council to publish a statutory proposal under Schedule 3 of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. This will appear on the Council's website, as a notice in the press and outside the relevant school. Following publication there is a further period of four weeks within which representations can be made to the Council. Once that representation period expires, the Council has two months to decide whether the change should proceed.

4.5 Other Implications

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	Y	Stakeholders	N	Crime and Disorder

Background Papers:

1. Setting Place Planning Framework September 2014 (<http://www.milton-keynes.gov.uk/children-young-people-families>)
2. Early education and childcare statutory guidance for local authorities (<https://www.education.gov.uk/consultations/downloadableDocs/2014%20Draft%20Statutory%20Guidance%20-%20PDF.pdf>)
3. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (<https://www.gov.uk/government/publications/school-organisation-maintained-schools>)