

**REPORT TO DIRECTOR OF PEOPLE - CHILDREN AND ADULTS SERVICES**

**15 APRIL 2019**

**DECISION TO EXTEND THE AGE RANGE BY MAKING A PRESCRIBED ALTERATION AT GREENVALE INFANT SCHOOL**

Councillor Cllr Andrew Mackness – Children’s Services (Lead Member)

Portfolio Holder:

Councillor Martin Potter – Educational Attainment and Improvement

Report from: Paul Clarke – Programme lead School Organisation and

Capital Services

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**Summary**

This report is to request the Director of People – Children and Adults Services, in consultation with the Lead Member for Children’s Services, to determine whether to approve the proposals to make a prescribed alteration to change the age range at Greenvale Infant School, to allow it to change from an infant school to a primary school, since no objections were received at the end of the statutory representation period.

# Budget and policy framework

* 1. In the Cabinet meeting of 15 January 2019 (decision 3/2019) the Cabinet delegated authority to the Director of People - Children and Adults Services, in consultation with the Portfolio Holder for Children’s Services, to determine whether to approve the prescribed alterations at the end of the statutory representation period, if no objections were received.
	2. There is a need for the Director of People - Children and Adults Services, in consultation with the Portfolio Holder for Children’s Services to make a decision within two months of the end of the statutory representation period. The period ended on 24 March 2019, and so a decision needs to be made by 24 May 2019. If the Council fails to make a decision within this time, then the proposals must be referred to the schools adjudicator.

# Background

* 1. On 15 January 2019 Cabinet agreed to the statutory consultation on the proposal to change Greenvale Infants into a primary school by extending the

age range. The decision (number 2/2019) “the Director of People - Children and Adults Services, to commence the statutory process required to make the prescribed alterations at Greenvale Infant School from the Statutory Representation stage, as set out in paragraph 3.1 of the report, bypassing the informal consultation element”

* 1. In addition (decision 3/2019) the Cabinet agreed “to delegate authority to the Director of People - Children and Adults Services, in consultation with Portfolio Holders for Children's Services (Lead Member) and Educational Attainment and Improvement, to determine whether to approve the proposals at the end of the statutory consultation period if no objections are received. However, if any objections are received during that time then the Cabinet noted that a report will be prepared and presented to the Cabinet for determination.”
	2. Following publication of the statutory notice and full proposals on 25 February 2019, three supportive responses, and no objections were received by the end of the statutory representation period on 24 March 2019.

# Technical Matters

* 1. Before consideration of the merits of the proposal, the decision maker must be satisfied that

# They have all the information necessary to make the decision

The information required to make the decision on the prescribed alteration to Greenvale Infant School is contained in the remainder of this report.

# That the published notice complies with the statutory requirements

A copy of the statutory notice is attached to this report. The statutory requirements for the proposed prescribed alterations at Greenvale Infants are set out in The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 regulation 5 and Schedules 2 and 3. It is the opinion of the writer of this report that the published notice complies with the statutory requirements.

# That fair and open local consultation or representation period was carried out

A four week statutory representation period followed the publication of the statutory notice. The notice was published in the Medway Messenger, on the Medway Council website school organisation page, and on the school website. Emails were sent to all councillors, schools, community groups, and other relevant organisations. All responses were taken into account.

# Whether the proposals are “related” to other proposals and so should be considered together

The proposal is not related to any other published proposals made under the Education and Inspections Act 2006.

# Advice and analysis

* 1. Factors to be considered in taking any decision are set out in paragraphs

4.2 to 4.10 below. These paragraphs summarise the guidance on decision making.

# Will the proposals secure diversity in the provision of schools?

Yes. The change will complement the alteration at Phoenix Academy which will take infant pupils. This gives more choice for local parents, and also provides more school places between the two schools. Parents of current and future pupils would be entitled to choose alternative schools in the local area should they consider them to be more appropriate for their children.

# Will the proposals raise standards and open up new opportunities?

The management of transfer from each phase of education to the next is a key issue in children’s achievement. The removal of such transitions is likely to improve outcomes for children. Therefore the complementary changes of Greenvale Infants and Phoenix Academy to primary schools will improve outcomes for pupils at both schools. Greenvale Infants has been rated ‘Good’ by Ofsted since June 2017, and there is no reason that this would be affected negatively by the change to a primary. The consistency of approach across the whole primary phase will lead to improved performance and positive outcomes for the children who attend the school. The proposal will result in primary education in Chatham being more streamlined and sustainable, improving choice for parents and removing transition for children between the key stages.

# Will there be sufficient capacity for pupils in the area?

Yes. The capacity at Greenvale when full under the new arrangements will be 210, and the capacity at Phoenix will be 315. There will be an increase of 105 primary school places in the Chatham area which will help to meet future demand as more housing schemes are approved. An admissions consultation will be required to amend the PAN of Greenvale Infant School from 60 to 30. Phoenix Academy will also need to amend their admissions criteria. The school, the LA and the Fort Pitt Thomas Aveling Trust (FPTA), which operates the Phoenix Academy, will need to work in partnership to coordinate the phasing of the changes so that neither school is disadvantaged and that there is no over or under provision of places during the transition period.

# Impact on the community

The resulting primary school will still serve the same community. There is expected to be a positive impact on the community, as children will stay at the same school for the whole of their primary education. This will allow them to build better relationships both with school staff and with other children from the local community. There is not expected to be a detrimental

impact upon other local schools, as the change complements the one being made at Phoenix Academy. However, how parents choose which primary school to send their children to can depend upon each schools popularity and performance, which can fluctuate over time.

Currently, as an infant school, Greenvale does not have, nor is it required to have, a grassed playing field, however, Government guidance (BB103 Annex B page 44) recommends that primary schools should benefit from external soft play areas. To meet this recommendation it is proposed that the school will share the use and maintenance of the adjacent field which is allocated to Phoenix Junior Academy. The field will remain in the allocation of Phoenix and a local agreement will be entered into to secure the use for the school. Community and weekend use can be managed between the parties.

# Travel and accessibility

No pupils will be displaced as a result of the proposals, and it will allow future pupils to remain at Greenvale for the whole of their primary education. This will reduce the need to change school and travel further when pupils reach Year 3.

# Equal opportunities

The proposals comply with all current gender, race, and disability legislation. A Diversity Impact Assessment (DIA) screening form is attached as Appendix 2. The DIA looks at how the proposed changes could impact upon various groups. The report shows that there could potentially be some impact upon certain groups; however it shows that any impacts are expected to be positive ones. The screening form indicates that a full DIA is not necessary.

# Special educational needs

The proposal will reduce the number of transition points, which is likely to improve the outcomes for all pupils including those with special educational needs. SEN provision will be unaffected, pupils will remain at the same site for the whole of their primary education, and therefore will have continuity.

# Looked after children

Looked after children receive the highest priority for admission to all Medway schools. If necessary, the Admissions Code allows the council to place looked after children in schools that would otherwise be deemed full. This ensures that the council can secure appropriate provision for children that are looked after by the local authority. This strategy covers both mainstream and special schools and as such includes Greenvale Infant School.

# View of interested parties

Three supportive comments were received during the statutory representation period, and no objections.

# Financial and legal implications

* 1. The Council has followed the statutory process to make a prescribed alteration to Greenvale Infant School, to extend the age range to make it into a primary school. The guidance recommends an informal consultation period to guide the formation of the proposal. However, the proposed change at Greenvale is designed to complement the change of Phoenix Academy to a primary school. This decision on the Phoenix Academy change has already been taken by the Regional Schools Commissioner. There were limited options and time available to implement a suitable complementary change, and so it was decided in this instance to move straight to the statutory representation period. This took place over four weeks, and allowed interested parties to support or object to the proposal. This included:
* Publication of a notice in the Medway Messenger, and of the proposals on the Council, and the school websites.
* Emails were sent to the consultees listed in Appendix 1
* A number of stakeholders were consulted with prior to the statutory representation period, and the proposals are supported by the following; Medway’s School Improvement Team, The Director of People – Children and Adults services, the School and its governing body, Medway Council’s Head of Education, the Portfolio Holders for Children’s Services (Lead Member) and for Educational Attainment and Improvement, and the Fort Pitt Thomas Aveling Trust. No objecting views were expressed.
	1. The “decision maker” with regard to statutory proposals is as follows:
* Following the publication of the Statutory Notice period where no objections are received the Council must make the decision under paragraph 3 of Schedule 3 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (Cabinet has delegated this to the Director of Children and Adult Services in consultation with the Portfolio Holder-Cabinet decision 3/2019).
	1. As there have been no objections as a result of the publication of the statutory notice, the decision on whether to implement or not must be made in accordance with paragraph 3 of Schedule 3 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. In deciding whether or not to implement the proposals the decision maker must have regard to the statutory guidance provided by the Secretary of State. The current guidance is contained in the publication “Making significant changes (‘prescribed alterations’) to maintained schools”. The key factors are set out in pages 29 to 34.
	2. A determination must be made within two months; if the Council does not make it within two months the decision must be referred to the Schools’ Adjudicator.
	3. The Council is the body required to make a decision on these proposals under paragraph 3 of Schedule 3 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

Financial

* 1. Funding for Medway’s maintained schools comes from central Government via the local authority in the form of the dedicated schools grant. This is a ring-fenced sum of money for the provision of education across all of our schools. This money can only be used for schools (and certain specified services to schools), and cannot be used to fund other council services.
	2. There would be a positive financial impact for the school, as there would be an increase in pupil numbers and the school would be more financially sustainable. Greenvale will be able to access additional funding as outlined in Medway’s growth funding policy to help support the school financially while it grows from an infant school to a primary school.
	3. No physical expansion will be required at Greenvale as the school already has sufficient overall space to provide for 210 pupils, however some internal reconfiguration and upgrade will be required to ensure facilities are age appropriate. This will be funded via the Children and Adults Basic Need Capital Programme, which is mainly funded by Government grants, targeted grants and section 106 developer contributions, or from the School Condition Grant. The remodelling will be dependent on sufficient available funding within the Children and Adults Capital Programme.

# Recommendation

* 1. The Director of People – Children and Adult Services is asked to make the decision to make a prescribed alteration to Greenvale Infant School in order to extend the age range to allow it to become a primary school, in consultation with the Portfolio Holder for Children's Services, for the reasons set out in this report and summarised below.
	2. The Director of People – Children and Adult Services is asked to approve the proposals in the following terms: ‘‘In accordance with paragraph 3 of Schedule 3 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that Medway Council, (Gun Wharf, Dock Road, Chatham, Kent, ME4 4TR) intends to make a prescribed alteration by raising the upper age limit to the following Community school with effect from 01 September 2020’’

Greenvale Infant & Nursery School, Symons Avenue, Chatham, ME4 5UP

# Suggested reasons for decision

* 1. Phoenix Academy has recently been approved by the Regional Schools Commissioner (RSC) to become a through 1.5 FE primary school. An over provision situation in Key Stage 1 would result from the change at Phoenix if no change was made at Greenvale. Therefore it is proposed to make Greenvale a 1FE through primary school to complement the change at Phoenix.
	2. The change of Greenvale Infants to a primary school will:
* Secure diversity in the provision of schools in Medway as described in paragraph 4.2;
* Raise standards and open up new opportunities as described in paragraph 4.3;
* Provide sufficient capacity for pupils in the area as described in paragraph 4.4;
* Impact positively on the community as described in paragraph 4.5;
* Impact positively on travel and accessibility as described in paragraph 4.6;
* Provide equal opportunities as described in paragraph 4.7;
* Protect the needs of those with SEN, and looked after children as described in paragraphs 4.8 and 4.9.

# Director of People – Children and Adult Services

* 1. I hereby approve the proposal in accordance paragraph 3 of Schedule 3 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, to make prescribed alterations, as set out in paragraph 2.2 above, to Greenvale Infant & Nursery School, Symons Avenue, Chatham, ME4 5UP.



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Background papers

1. Making significant changes (‘prescribed alterations’) to maintained schools (A guide for proposers and decision makers) October 2018.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data

/file/751295/Maintained\_schools\_prescribed\_alterations\_guidance.pdf

1. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. <http://www.legislation.gov.uk/uksi/2013/3110/contents/made>
2. Medway’s School Place Planning Strategy 2018 - 2022

# Appendices

* 1. List of consultees
	2. Diversity Impact Assessment screening form
	3. Statutory notice
	4. Statutory proposals