

**DERBYSHIRE COUNTY COUNCIL**

**CABINET MEMBER FOR CHILDREN and YOUNG PEOPLE**

**6 August 2013**

**Report of the Strategic Director for Children & Younger Adults**

**Extension of Age Range from 5-11 years to 3-11 years at Hathersage  
St Michael's CE (Aided) Primary School**

1. **Purpose of Report** To report on the outcome of the publication of Statutory Notices, and to consider whether or not to proceed to the extension of the age range from 5-11 to 3-11 years at Hathersage St Michael's CE (Aided) Primary School with effect from 1 September 2013.
2. **Information and Analysis**

**2.1 Consultation Process**

Hathersage St Michael's C of E (Aided) Primary School is a 5 –11 primary school serving the village of Hathersage and surrounding area. The current number on roll is 163. This is a popular and successful school with numbers projected to remain steady in the next five years.

A private provider runs the Hathersage Pre-School Nursery, known as 'Peak Time' in premises on the school site with access to both a secure covered hard play area and a grass area.

The school and the private pre-school are separate legal bodies, operating from the same site and working closely together to the benefit of all the children.

The Governors of Hathersage St Michael's CE (VA) Primary School held an informal consultation from 11 March 2013 to 3 May 2013 on the proposal to extend the age range of the school from 5-11 to 3-11 years. This consultation elicited support from all those consultees who responded, and therefore the decision was made by the Governing Body to proceed to the publication of Statutory Notices.

The Statutory Notice was published on 16 May 2013, initiating a period for representations in favour of, or objection to, the proposal. The period for representations closed on 28 June 2013.

## **2.2 Responses Received**

During the period for representations following the publication of the Statutory Notice, no responses were received.

## **2.3 Conclusions**

There is support for the proposal to extend the age range of Hathersage St Michael's CE (VA) Primary School from 5-11 to 3-11 years as expressed during the informal consultation period in March to May of this year.

## **3. Financial Considerations**

The new Early Years Single Funding Formula (EYSFF) was introduced in April 2011. Under the new formula, all early years (nursery) pupils in a nursery unit within a mainstream school, a nursery school or a private, voluntary or independent setting will be funded on the same basis; i.e. actual weekly hours attended at 3 census points (January, May and October). Rather than being funded on a January census headcount basis, schools will therefore be funded on actual provision which may, at individual schools, be affected by termly changes in pupil numbers and variations on the standard 12.5/15 hours per week.

This is a Voluntary Aided School and therefore any capital investment required would be sought through the Voluntary Aided Schools capital programme, and not through Derbyshire County Council's capital programme.

## **4. Human Resources Considerations**

The 8 staff employed by the private provider would become employees of the Governing Body in accordance with current practice in Voluntary Aided schools with effect from 1 September 2013.

Informal consultation has already begun with the affected staff and the formal consultation will be completed prior to the transfer.

## **5. Legal and Human Rights Considerations**

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 requires that the Governing Body consults on proposals to extend the age range of a voluntary aided school.

The statutory procedures relating to the Alteration of the Lower Age Limit are contained within Part 1 and Schedule 4 of the Education and Inspections Act 2006, Regulations made under the Act, and statutory

guidance issued to Local Education Authorities (and other relevant bodies) by the Department for Education.

Any proposal by a Governing Body to alter the lower age range of a maintained school must be preceded by a process of public consultation with all interested parties following which the Governing Body will determine, in the light of responses to the proposal, whether or not to proceed with publication of formal statutory notices. If a decision is made to publish notices, there follows a statutory period for representations during which written objections or letters of support to the proposal may be sent to the Authority. If there are no objections, and the proposals are not related to other proposals, the Authority must determine within two months whether to implement the proposals.

If there are objections to the proposals, the Authority must consider the proposals and may reject them, approve them, or (subject to certain further consultation) approve them with modifications. If this is not done the Authority must refer the proposals, and the Authority's comments on them, to an independent Adjudicator, appointed by the Secretary of State. The Authority must refer proposals to the Adjudicator in certain prescribed cases, and it must refer proposals that it has already determined to the Adjudicator, if a request is made by the Roman Catholic or Anglican Diocese.

All proposals referred to the Adjudicator will be considered afresh and his or her decision is binding on all parties.

6. **Other Considerations** In preparing this report the relevance of the following factors has been considered: - prevention of crime & disorder, equality of opportunity, and environmental, health, property and transport considerations.
7. **Background Papers** A file is available within the CAYA Development Section.
8. **Strategic Director for Children and Younger Adults' Recommendations**

The Cabinet Member is asked to approve the extension of the age range from 5-11 to 3-11 years at Hathersage St Michael's CE (VA) Primary School.

**Ian Thomas, Strategic Director for Children & Younger Adults**