

Roxbourne First School Nursery Class

Decision Makers Guidance

The decision maker for these statutory proposals is the local authority, and this report presents the proposals to Cabinet for determination. If the local authority fails to decide proposals within two months of the end of the representation period the local authority must forward proposals, and any received representations, to the Office of the Schools Adjudicator for decision. This two month period will end on 11 March 2010.

Decision Makers are required to have regard to guidance issued by the Secretary of State when they take a decision on proposals. The guidance documents are available on the School Organisation and Competitions Unit website at <http://www.dcsf.gov.uk/schoolorg/> and in Background Papers.

The format of this Annex follows the framework of the guidance. The text in italics at the start of each section contains extracts from the guidance to assist members to understand the context.

Compliance with statutory requirements

There are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:

1. Is any information missing?

If so, the Decision Maker should write immediately to the proposer/promoter specifying a date by which the information must be provided.

In order to make the nature of the proposals explicit and clear for all stakeholders, the statutory consultation paper, the notices and the complete proposals stated as full information as possible.

2. Does the published notice comply with statutory requirements?

The Decision Maker should consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.

The statutory notice was developed using the School Organisation and Competitions Unit 'Build a Statutory Notice' facility. This facility is designed to help local authorities, governing bodies and other proposers who will be publishing statutory proposals, to construct a statutory notice which contains all the information required by law.

The draft notice was submitted to the School Organisation and Competitions Unit for checking, and their comments were considered and incorporated into the final notice.

3. Has the statutory consultation been carried out prior to the publication of the notice?

Details of the consultation should be included in the proposals. The Decision Maker should be satisfied that the consultation meets statutory requirements. If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not yet been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

The statutory consultation was conducted from 25 September 2009 until 23 October 2009. All applicable statutory requirements have been complied with in relation to the consultation on the proposals. The local authority has had regard to the Department for Children, Schools and Families (DCSF) School Organisation and Competitions Unit guidance and the consultation document was sent to all interested parties in accordance with the guidance.

The consultation responses and outcomes (see 'Other issues' below) were reported to Cabinet on 12 November 2009, and Cabinet decided to publish statutory proposals.

4. Are the proposals linked or "related" to other published proposals?

Any proposals that are "related" to particular proposals must be considered together. Generally, proposals should be regarded as "related" if they are included on the same notice (unless the notice makes it clear that the proposals are not "related"). Proposals should be regarded as "related" if the notice makes a reference to a link to other proposals. If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals should be regarded as "related". Where proposals are "related", the decisions should be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both should be approved or rejected.

The proposals are not linked or related to other published proposals.

Factors to be considered by decision makers

The factors contained in the Secretary of State's guidance should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

The sections that follow contain information to assist Cabinet to determine how the proposals meet the factors the decision maker must have regard to in reaching a decision. Not all of the factors contained in the decision makers guidance are relevant to these proposals. For example: there are no issues of poor performance; there are no post-16 implications; there is no change to school category; and there is no special educational needs reorganisation. The effect of the proposals is to extend the age range of Roxbourne First School to establish a school with an age range of 4 years (Reception) to 7 years (Year 2) with attached nursery class from 1 September 2010 the effect of which is to lower the age to 3 years. The following sections, therefore, focus on relevant factors of the guidance.

A system shaped by parents

The Government's aim is to create a schools system shaped by parents which delivers excellence and equity. The Education and Inspections Act 2006 amends the Education Act 1996 to place new duties on local authorities to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, local authorities are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties on local authorities.

Parents and stakeholders have had the opportunity to shape the proposals to establish a nursery class at Roxbourne First School.

The statutory consultation was held from 25 September 2009 until 23 October 2009. The consultation paper was sent to all parents, members of staff and governors of both schools on

25 September 2009. Distribution was done to both schools because Roxbourne First School and Roxbourne Middle School occupy the same site, and it was considered that there would be interest across both school communities in the proposals. A public meeting about the consultation proposals was held on 14 October 2009 at Roxbourne First School, which was open to parents of both schools and to the public. 97% of the written responses from parents and staff of both schools supported establishing a nursery class at Roxbourne First School, and there were no responses that did not support the proposal.

Information about the responses to this consultation from school stakeholders and from early years providers is given under 'Other issues' later in this Annex.

The local authority received one representation during the representation period from the London Diocesan Board for Schools, which noted the proposals and has no comments to make.

Standards

The Government wishes to encourage changes to local school provision where it will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes. Decision Makers should be satisfied that proposals for changes to a school's provision will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

A nursery class would establish the full Early Years Foundation Stage Profile at Roxbourne First School. The nursery class provision would provide children with a best start, and contribute to higher attainment for the children at the end of the Early Years Foundation Stage Profile. This would provide continuity for those children entering the nursery and then being admitted to the Roxbourne First School reception classes. This would be of significant benefit in particular for the majority of children who have English as an Additional Language (EAL). Roxbourne First School had 90% EAL pupils in Reception and 18 different languages spoken in the 2008 intake.

Harrow Schools are high performing and overall the local authority is above National Averages and above or in line with statistical neighbours. Harrow strives for continuous improvement and has set challenging targets for achievement. Roxbourne First School had an Ofsted inspection during January 2009, and was found to be a good school. The summary judgement states there are outstanding aspects to its work. Children in Reception get off to a good start. In the rest of the school, pupils achieve well overall because of good teaching and an outstanding curriculum. By the end of Year 3, standards are above average. Highly effective care, guidance and support, and a very positive school climate, lead to outstanding personal development and well-being for pupils.

Diversity

The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision. Decision Makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the relevant area of the local authority and whether the expansion of the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

Schools in Harrow offer diversity to parents both in terms of ethos and size. Harrow has a Church of England primary school, a Hindu primary school and a Jewish primary school, six Roman Catholic primary schools and two Roman Catholic high schools. Schools are organised as separate and combined first and middle schools and have a range of planned admission numbers. Increased self-governance is promoted within a collaborative whole-borough framework, for example through partnerships and soft and hard federations.

Harrow Schools are popular and successful, but the profile of Harrow's population is changing and, to meet challenging targets to continue this status, schools need to evolve and innovate. The local authority is committed to developing a positive and proactive approach to: encourage greater self-governance in order to extend choice, diversity and fair access; raise standards as part of the transformation of education expected from Building Schools for the Future (BSF) and Primary Strategy for Change investments; listening to parents and acting to promote diversity of school provision where this is appropriate; and all schools to offer extended services by 2010.

Every Child Matters

The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

The five outcomes for Every Child Matters are central to all Harrow plans for schools so that wrap around care, support for families and a wide range of opportunities are developed in all schools. These extended services also support the Narrowing the Gap agenda, and these proposals would not impact negatively on these agendas.

The nursery class would offer 30 part-time places in the mornings and 30 part-time places in the afternoon. The sessions would be for 3 hours. Over time the nursery would offer a range of provision to provide parents with increased choice in line with the flexible offer entitlement.

The nursery class would be complemented by Children's Centre provision at the school site due to open in March 2011. This will increase access to a range of services for children and their families, including breakfast and after school clubs and toddler groups.

Equal opportunity issues

The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

These proposals do not make changes to equal access to school provision. The process for applications to the proposed nursery class will be in line with other schools with nursery classes.

Need for places

Where proposals will increase provision, the Decision Maker should consider the supporting evidence presented for the increase. The Decision Maker should take into account the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for

places in particular schools. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places.

The type of housing in close proximity to the school is predominantly three bedroom homes. Roxbourne First School has seen over the last two to three years an increase in the number of young families moving in to the area. There is less provision in the area at present as Alexandra nursery class is not admitting currently because of building work and while consideration is given to further developing cohesive provision at the special school.

During the statutory consultation, private and voluntary sector early years providers expressed concern about the potential impact of 60 places of free provision for 3 – 4 year olds. Providers stated that they are not experiencing a general increase in numbers of children for their provision which parents pay for and there is capacity in their sector. They expressed concern that expansion of free nursery class places for 3 – 4 year olds will further reduce the demand for private and voluntary provision and challenge their sustainability. They also expressed concern that this is the beginning of increasing nursery place provision in schools and this would be extended across the borough.

The proposed nursery class at Roxbourne First School is to meet demand in the south west area of Harrow, which has experienced an increase in families with children under 5 years of age and has limited nursery class provision. Proposals are not being brought forward for nursery class provision in other schools in Harrow because the need has not been identified. It is envisaged that there would need to be partnership working with early years providers in the south west area of Harrow to provide flexible arrangements for children, and the proposed nursery class provision is not expected to constitute a threat to providers in the area. Harrow Council has to keep the level of provision under review because Harrow's birth rate is projected to increase and demand for school places has increased significantly in Harrow and across London. Five bulge reception classes have been opened in September 2009, and provisional planning is being made for an anticipated likely need for further bulge reception classes in September 2010.

It is considered that the establishment of a nursery class at Roxbourne First School would enhance provision in the area and would not undermine existing early years provision because of the projected increase in birth rates and the need in the area. There are good working relationships with local pre-school provision and the establishment of a nursery class at Roxbourne First School would further enhance this with opportunities for joint training and early years working with cluster schools.

Travel and Accessibility for All

In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups. In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. Proposals should also be considered on the basis of how they will support and contribute to the local authority's duty to promote the use of sustainable travel and transport to school.

During the consultation, there were a few concerns expressed about congestion inside the school grounds near the front entrance from Torbay Road, with additional parents, pushchairs and young children.

This should not be an issue as:

- There will be no Year 7 pupils and parents.
- There will be a new pedestrian access for the Nursery and Children's Centre from the back entrance in Waverley Road.
- The Nursery start and end times will be slightly different from the First School and Middle School.
- The access path at the front of the school has been considerably widened over the October 2009 half term holiday. There are further plans to increase this in time by adapting the flowerbeds between the main building and mobile classrooms.

School category changes

No changes to school categories (e.g. no changes to become voluntary aided, foundation body, trust or academy) arise from these proposals.

Funding and land

The Decision Maker should be satisfied that any capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the local authority, DCSF, or Learning and Skills Council). In the case of a local authority, this should be from an authorised person within the local authority, and provide detailed information on the funding, provision of land and premises etc. Proposals should not be approved conditionally upon funding being made available, except for proposals being funded under the Private Finance Initiative or through the Building Schools for the Future programme.

The school would receive funding for the nursery class as calculated by the Harrow Schools Funding Formula. This funding would provide 15 hours free nursery provision for 3 – 4 year olds in line with the Government's policy and cover staffing and other costs.

There are no anticipated capital costs because the nursery class would be located in the classroom currently occupied by a reception class.

There are no capital receipts, new sites or playing fields, or land tenure arrangements arising from these proposals.

Special educational needs provision

When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change local authorities should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability.

Within these proposals, there are no plans to change existing provision for pupils with special educational needs at Roxbourne First School. Roxbourne First School is a mainstream school, which makes appropriate provision for pupils with special educational needs who attend mainstream schools.

Other issues

The decision maker should consider the views of all those affected by the proposals or who have an interest in them. The decision maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the decision maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

Representations received during the notice period

The local authority received one representation during the representation period from the London Diocesan Board for Schools, which noted the proposals and has no comments to make.

Responses received during the statutory consultation period

The statutory consultation was held from 25 September 2009 until 23 October 2009. There were 223 written responses to the consultation from stakeholders of Roxbourne First School and Roxbourne Middle School. 97% of these responses from parents and staff of both schools support establishing a nursery class at Roxbourne First School. There were no responses that did not support the proposal to establish a nursery class, and 3% were not sure (percentages rounded to nearest % point). The School Council in Roxbourne First School gathered responses from first school pupils, which showed there was overwhelming support for a nursery class. Roxbourne Middle School's Pupil Advisory Council unanimously agreed that it was a brilliant idea to have a nursery. Feedback comments from parents, staff and pupils have been collated and are available to governors and the school management so that the comments and issues can be considered in subsequent future planning.

The Roxbourne First School and Roxbourne Middle School Governing Bodies met on 2 November 2009 to consider the outcome of the consultation. Both governing bodies are unanimously in favour of establishing a nursery class at the school, which has the full support of the whole school community. The governing bodies recommend to Cabinet that serious consideration is given to this proposal as it is clear from the response from stakeholders that not only is there a need for nursery provision in their area but also a desire that it is provided by the school. This will ensure continuity across the Foundation Stage.

Officers attended the Early Years Forum meeting on 19 October 2009 to enable discussion with early years private and voluntary sector providers about the proposal for the nursery class. Providers present expressed concern about the potential impact of 60 places of free provision for 3 – 4 year olds. Providers stated that they are not experiencing a general increase in numbers of children for their provision which parents pay for and there is capacity in their sector. They expressed concern that expansion of free nursery class places for 3 – 4 year olds will further reduce the demand for private and voluntary provision and challenge their sustainability. They also expressed concern that this is the beginning of increasing nursery place provision in schools and this would be extended across the borough.

Officers responded that the proposed nursery class at Roxbourne First School is to meet demand in the south west area of Harrow, which has experienced an increase in families with children under 5 years of age and has limited nursery class provision. Proposals are not being brought forward for nursery class provision in other schools in Harrow because the need has not been identified. It is envisaged that there would need to be partnership working with early years providers in the south west area of Harrow to provide flexible arrangements for children, and the proposed nursery class provision is not expected to constitute a threat to providers in the area. Harrow Council has to keep the level of provision under review because Harrow's birth rate is projected to increase and demand for school places has increased significantly in Harrow and across London. Five bulge reception classes have been opened in September 2009, and provisional planning is being made for an anticipated likely need for further bulge reception classes in September 2010. Officers emphasised that this is a consultation and comments about the proposed provision are being sought.

A letter was received on 23 October 2009 in response to the consultation from the Harrow subcommittee of the Pre-School Learning Alliance, which has 71 member groups in Harrow from the private and voluntary pre-school sector. The Harrow subcommittee of the Pre-School

Learning Alliance protest most strongly against these proposals and state that as an organisation they cannot support a venture that they feel most definitely will be to the detriment of their members. The letter reiterates points raised at the Early Years Forum (see above). The letter asks where the 3 and 4 year olds will come from, and comments that the birth rate figures for Harrow over the next few years are projected to decrease.

A number of points in response are given above, and additional points in response are:

- Harrow Council has over the past 9 years worked in partnership with the private and voluntary sector to support its development and sustainability. This work has included supporting partnership arrangements between pre-schools and schools. The Harrow Pre-school Learning Alliance is located within Glebe First and Middle School, and recent examples of other partnership arrangements can be seen at: Priestmead school with the co-location of St Joseph's Pre-school; Aylward School with the co-location of the Pre-school Language Unit; and St George's Primary Catholic School with the development of Dragons Pre-school. This partnership approach will continue to be promoted, and the proposed nursery class at Roxbourne First School is a specific opportunity that has arisen and for which there is a need.
- The birth rate in Harrow has been increasing in recent years and is projected by the Greater London Authority to continue increasing until 2013. After 2013 the projections are for the birth rate to decrease. However, the projected rate of decrease is slower than the increases seen, and the birth rate is not projected to fall to the current level until 2019. These projections, together with the pressures currently being experienced for school places suggest that there will be demand for the proposed nursery class provision.

Five other communications were received in response to the consultation. Two sought clarification, two expressed some concerns and one expressed support.