

Report to Cabinet

13 September 2023

Subject:	Moat Farm Infant School – Making Significant Changes (Prescribed Alternations) Consultation Outcome for Change of Age Range
Cabinet Member:	Cabinet Member for Children, Young People and Education, Councillor Simon Hackett
Director:	Director Children and Education, Michael Jarrett
Key Decision:	Yes
Contact Officer:	Rachel Hill, Project Officer, School Organisation

1 Recommendations

1.1 That in connection with the proposed prescribed alterations to change the age range of Moat Farm Infant School, Brookfields Road, Oldbury, B68 9QR (the school) from 2 – 7 years old to 0 – 7 years old, approval be given to:

- i) publication of the appropriate Statutory Proposal;
- ii) subject to no objections being raised during the statutory representation period for the Statutory Proposal, authorise the Director of Children and Education to make a final decision on the proposal for the prescribed alterations at Moat Farm Infant School, in conjunction with the Director – Law and Governance and Monitoring Officer, and in consultation with the Cabinet Member for Children and Education; and




- iii) in the event that any objections are raised during the statutory representation period for the Statutory Proposal, that a report is submitted to the Cabinet Member for Children’s Services with full details of representations received to inform a final decision on the proposal.

2 Reasons for Recommendations

- 2.1 Lavender Farm Day Nursery (the nursery), Brookfields Road, Oldbury, B68 9QR is a Children’s Centre, Nursery Plus site, and is currently run by the school’s governing body under its community powers.
- 2.2 The school is due to convert to academy status in the Autumn term 2023 and join Stour Vale Academy Trust (the Trust). The Trust wishes to continue running the nursery but does not have the same community powers, therefore the current proposal is to extend the age range of the school to include children that will attend the nursery.
- 2.3 An initial consultation was completed between 26 June 2023 and 24 July 2023. Consultation has been completed and no responses were received. Subject to Cabinet approval to this report, statutory proposals to change the age range will be published for 4 weeks.

3 How does this deliver objectives of the Corporate Plan?

	<p>The Best Start in Life for Children and Young People</p> <p>The recommendations in this report support:</p> <p>“B2 We will work with partners to deliver the EY Outcomes Framework and specifically, create new pathways for support that meet the needs of our residents and fill in the gaps in services for children aged 12-24 months.</p> <p>B9 We will provide enough good school places that offer families choice and confidence that their children can experience high quality education and achieve good outcomes.</p>
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	<p>B10 We will work with schools and other learning providers to improve educational outcomes for children and young people.</p> <p>B15 We will work with partners to ensure early help is available to children and young people at the earliest opportunity depending on their need.</p>
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4 Context and Key Issues

- 4.1 The school's Governing Body entered a Service Level Agreement in June 2006 to run the nursery located in the Oldbury Sure Start Children's Centre under its community powers as outlined in the Education Act 2002.
- 4.2 In October 2014 Cabinet decision 59/14 approved the designations of Children's Centres in the borough as Core, Satellite and Nursery Plus. The nursery was designated as a Nursery Plus site.
- 4.3 The school also has a school nursery offering places for children aged 2–5 years. Lavender Farm Day Nursery offers 150 places for children aged 0–5 years.
- 4.4 The school's current registered age range is 2-7 years; including the school Nursery and Reception for children aged 2-5 years and Key Stage One pupils aged 5–7 years.
- 4.5 The school is due to convert to academy status in the Autumn term 2023 and join Stour Vale Academy Trust. The Department for Education's (DfE) policy for schools converting to Academy status is to 'convert as is'. The Early Years provision should normally be run in the same way post-academy conversion. If a school's governing body is providing Early Years provision under its "community powers", changes are required as those powers are not available to academy trusts.
- 4.6 Therefore, any Early Years provision that will be run by the Trust post conversion, will need to be reflected within the school's age range. The Trust would be running the nursery following the school's conversion to an Academy, and the age range of the school must be changed to start from 0 years of age to include this provision. The age range set out in the Academy's Funding Agreement with the DfE should reflect the age range of all registered pupils at the Academy.



- 4.7 The nursery was built utilising Sure Start capital funding. The building needs to remain as a nursery plus site until the expiry of the conditions of Sure Start capital funding in 2031. Therefore, the Trust will be granted a short-term lease of the building with the permitted use as a nursery.
- 4.8 The nursery was last inspected by Ofsted in August 2022. Its overall effectiveness was rated as Good.
- 4.9 There is not expected to be any direct impact on any other educational institutes in the area.

Consultation (Customers and other Stakeholders)

- 4.10 The DfE regulations: 'Making Significant Changes ('Prescribed Alterations') to Maintained Schools' requires that when the Local Authority is proposing a significant alteration, i.e., a change to the age range, it must consult upon the proposal and make a formal decision to make the alteration permanent.
- 4.11 The statutory process to change the age range needs to be completed before the school can convert to academy status.
- 4.12 Initial consultation ran from 26 June 2023 to 24 July 2023. The consultations were published on the Council's Consultation Hub and published in the Express and Star on the 29 June 2023 and available on the Express and Star's website for a further 14 days. All Sandwell schools were also consulted. Moat Farm Infant School also published it on its school website under latest news.
- 4.13 No responses to the consultation were received.

5 Alternative Options

- 5.1 Do nothing and keep the age range at the existing range of 2-7 years – school would not be able to convert to academy status and continue to run the nursery. The area would lose a much needed nursery provision with a Good Ofsted rating. Staff employed by the school would have to be made redundant. A new provider would have to be commissioned.



- 5.2 The school could convert to academy status, but upon conversion relinquishes the provision that is provided through Lavender Farm Day Nursery. The Authority would have to seek to secure an alternative provider to retain provision for 0-2 year olds in the area.

6 Implications

Resources:	<p>Financial and Staffing There will be no effect on staffing. The school will be financed via its academy funding agreement for the age range 0-7years.</p> <p>Land / building implications – a short term lease will be granted to the Trust for the duration of the Sure Start capital funding period.</p>
Legal and Governance:	<p>A Local Authority must have regard to the below guidance when exercising functions under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (‘the Prescribed Alterations Regulations’). It should be read in conjunction with Parts 2 and 3 and Schedule 3 of the Education and Inspections Act (EIA) 2006 and the Prescribed Alterations Regulations. It also relates to the Establishment and Discontinuance Regulations and The School Organisation (Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations (2007)(‘the ‘Removal Regulations’).</p>
Risk:	<p>The Corporate Risk Management Strategy has been complied with – to identify and assess the significant risks associated with this decision / project. This includes (but is not limited to) political, legislation, financial, environmental and reputation risks.</p> <p>The Cabinet has a statutory duty under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 to make a decision on a prescribed alteration proposal.</p>



	<p>Based on the information provided, it is the officers' opinion that there are no current "red" risks that need to be reported with regards to this proposal.</p> <p>One risk has been identified on the project risk register; report not being approved</p> <p>The risk has been assessed and mitigating measures are in place.</p>
Equality:	An Equality Impact Assessment has been completed. The recommendation has a positive impact on age and disability and a neutral impact on other characterises.
Health and Wellbeing:	Early Years education provides a foundation for how children will develop, grow and learn; and for their future life chances.
Social Value:	Ensuring every child has access to a nursery place in their area and to improve a child's education and development in the early years.
Climate Change:	No impact on climate change.
Corporate Parenting:	<p>The report recommendations will enable the age range of Moat Farm Infant School to be extended from 2-7 to 0-7 years old and provide continuity of management and operation of Lavender Farm Day Nursery as a Children's Centre, Nursery Plus site.</p> <p>The enlarged Infant School will fulfil the role of Corporate Parenting by supporting the care and safeguarding of all children throughout their time attending the school, from Early Years through to end of Key Stage 1.</p>

7. Appendices

Moat Farm Infant School and Lavender Farm Day Nursery consultation.



8. Background Papers
None

