

NORTH YORKSHIRE COUNTY COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICE
CORPORATE DIRECTOR'S MEETING WITH EXECUTIVE MEMBERS

3 December 2019

LOWERING THE AGE RANGE OF BURTON SALMON COMMUNITY PRIMARY SCHOOL

1.0 PURPOSE OF THE REPORT

1.1 To provide Executive Members with information upon which to make a decision on proposals published by North Yorkshire County Council to change the age range of Burton Salmon Community Primary School from 4-11 to age 3-11 with effect from 1st January 2020.

2.0 EXECUTIVE SUMMARY

2.1 The Governing Body of Burton Salmon CP School has asked the Local Authority to propose lowering of the age range of their school from 4-11 to 3-11 in order to offer nursery education for three year old children.

2.2 The Governing Body of Burton Salmon CP School consulted with parents and the local community on their proposal from 9 September to 4 October 2019.

2.3 The Executive met on 15 October 2019 and considered the outcome of the governors' consultation. They agreed to publish statutory proposals on 24 October giving 4 weeks until 21 November for representations to be made. There have been no objections or responses to the statutory notice.

2.2 The Executive agreed a model for making decisions on school organisation proposals on 25 September 2007. Under this model, school organisation decisions, for which the decision-maker is the Local Authority, will be taken by the County Council's Executive, or if there are no objections to the statutory notice, the decision is delegated to the Executive Members for Education and Skills and for Children's Services.

2.3 This report is supported by a number of appendices as listed below:

Appendix 1: Statutory Notice

Appendix 2: Statutory Proposal

Appendix 3: Consultation document and consultation responses

Appendix 4: School Organisation Guidance for Decision Makers

Appendix 5: Equality Impact Assessment

3.0 BACKGROUND

3.1 All 3 and 4 year olds are entitled to 15 hours per week of free Early Years Foundation Stage education from the beginning of the school term following their 3rd birthday until compulsory school age. This has become 30 hours of care for working parents. This free entitlement can be taken in a maintained school nursery, a 'foundation stage' class and/or in an Ofsted registered private and voluntary sector setting. It is parental choice as to which type of provision is most appropriate for their child and most convenient for individual circumstances.

3.2 Burton Salmon CP School currently provides education for children from 4-11 years. There is no nursery provision within the village and Governors have been aware for some time that some of their children do not access nursery education.

4.0 THE PROPOSAL

4.1 The proposal is to provide places for 3 - 4 year olds as an extension of current reception class provision, by the creation of an Early Years Foundation Stage (EYFS) Unit from January 2020. Early Years staff would work together to provide an excellent environment for young learners' development. The EYFS Unit would have a qualified teacher to support the learning and development of the 3, 4 and 5 year olds.

4.2 The proposed Nursery will provide up to approximately 8-10 places. This would be arranged flexibly depending upon the needs of the family and current legislation. These children will also have access to before school breakfast club provision at the school.

4.3 Priority for admission of nursery-aged children will be determined by the County Council's Admissions Policy for Nurseries. Admissions for the nursery-aged children are separate from admissions to the school, which are determined by the County Council's policy for Community and Voluntary Controlled Schools.

5.0 CONSULTATION UNDERTAKEN AND ANALYSIS OF RESPONSES

5.1 From 9 September to 4 October 2019 the Governing Body of Burton Salmon Community Primary School consulted the local community on their proposal. The consultation document, which is appended to this report, was sent out to parents, local stakeholders, and other Early Years providers. The consultation document and the responses to the consultation are included in Appendix 3.

5.2 The Executive met on 15 October 2019, considered the consultation responses, and resolved to proceed with publication of the statutory proposals.

6.0 STATUTORY PROPOSALS AND NOTICES

6.1 The Statutory Notice was published on 24 October and a representation period of 4 weeks has been observed. A copy of the Statutory Notice is enclosed as Appendix 1 of this report. A copy of the complete proposal, including all the information required in the school organisation regulations and guidance, was published on the County Council's website. A copy of the proposal is attached as Appendix 2.

6.2 At the end of the representation period there have been no objections received to this Statutory Notice.

7.0 FINANCIAL IMPLICATIONS

7.1 School revenue funding

The school is currently projecting a surplus of £22,000 this year. The budget stabilises over the next 2 years with a surplus of around £20,000 as the nursery supports the extra teacher in place for a three class structure.

7.2 Capital Implications

There are no capital implications as a result of this proposal as the school would continue to run their education provision across the existing site and buildings.

7.3 Transport costs

There are no transport costs related to this proposal.

REGULATIONS AND GUIDANCE

- 8.1 The consideration and determination of school organisation proposals by the Local Authority is set out in regulations and in guidance produced by the Department for Education. Careful regard has been had to these provisions.

PRELIMINARY CHECKS

- 8.2 The guidance requires that the Decision Maker must consider, on receipt of each proposal, whether any information is missing; whether the published notice of the proposal complies with statutory requirements; whether the statutory consultation has been carried out prior to the publication of the notice; and whether the proposal is related to other published proposals.

Having undertaken an audit of these preliminary checks, the Assistant Chief Executive (Legal and Democratic Services) advises that:

- all information required has been supplied;
- the published notice complies with statutory requirements;
- statutory consultation has been carried out prior to publication of the notice;
- and that the preliminary points for consideration have been dealt with sufficiently to permit the Executive to proceed to determine this proposal.

TYPES OF DECISION THAT CAN BE MADE

- 8.3 In considering proposals for making changes to school provision, the Executive, as Decision Maker can decide to:
- reject the proposals;
 - approve the proposals;
 - approve the proposals with a modification;
 - approve the proposals subject to them meeting a specific condition (these conditions are set out in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations, and are not considered applicable to this proposal).

9 PROCEDURE FOR THE MEETING

- 9.1 The Executive agreed on 25 September 2007 that in making a decision on school organisation proposals:

(a) The Executive must have regard to decision makers guidance published by the DfE and to the Executive Procedure Rules laid down in the North Yorkshire County Council Constitution.

(b) All decisions must give reasons for the decision, indicating the main factors/criteria for the decision.

10.0 REASONS FOR RECOMMENDATIONS

EDUCATION STANDARDS

- 10.1 The last full Ofsted inspection at Burton Salmon Community Primary School was a short inspection in February 2017 and this judged the school as 'Good'. There is currently no nursery provision within the village and Governors have been aware for some time that some of their children do not access nursery education.

VIEWS OF INTERESTED PARTIES

- 10.2 Six written responses to the consultation had been received. Five parents wrote in support of the proposal. One objection has been received from the local parish council, which raises issues of traffic at the school, which they felt, would increase further with the provision of nursery education on the school site. The school, however, estimates that the increase in cars as a result of this proposal is likely to be small, as they are only providing 8-10 nursery places, and a number of children accessing the provision are likely to be siblings of pupils already attending the school. Some may also access the breakfast club provision, and many are likely to leave before the end of the school day, staggering their arrival and departure times from those of other pupils. The governing body met on 4 October and unanimously voted to proceed with the nursery proposal.

11.0 HUMAN RIGHTS IMPLICATIONS

- 11.1 There are no Human Rights issues in relation to this decision.

12.0 OTHER IMPLICATIONS

- 12.1 An Equality Impact Assessment has been undertaken in respect of this change and is attached at Appendix 5. This includes an assessment of the potential impact of the proposals on rural communities.

13.0 RECOMMENDATIONS

(a) That having undertaken the required preliminary checks, the Executive Members resolve that the four key issues listed above in paragraph 8.2 have been satisfied and there can be a determination of the proposals.

(b) that the following proposal be determined:

To lower the age range of Burton Salmon Community Primary School to age 3-11 with effect from 1st January 2020.

Stuart Carlton
Corporate Director – Children and Young People's Service

Report prepared by John Lee – Strategic Planning Officer

Appendices

Appendix 1: Statutory Notice

Appendix 2: Statutory Proposal

Appendix 3: Consultation Document & consultation responses

Appendix 4: School Organisation Guidance for Decision Makers

Appendix 5: Equalities Impact Assessment

Background documents

Report to Executive, 15 October 2019

APPENDIX 1

NORTH YORKSHIRE COUNTY COUNCIL

Change of age range at Burton Salmon Community Primary School

Notice is hereby given in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that North Yorkshire County Council, County Hall, Northallerton, DL7 8AD is proposing to make a prescribed alteration to Burton Salmon Community Primary School, Ledgate Lane, Leeds, North Yorkshire, LS25 5JY by lowering its age range from 4-11 to 3-11 with effect from 1 January 2020.

Burton Salmon Community Primary School is proposing to provide places for 3 - 4 year olds by the creation of a combined Nursery/Reception/Year 1 class.

The proposed Nursery will provide up to approximately 8-10 places. This would be arranged flexibly depending upon the needs of the family and current legislation. These children will also have access to before and after-school provision at the school.

The notice is an extract from the complete proposal. A copy of the complete proposal can be viewed at: <https://www.northyorks.gov.uk/current-consultations>

Copies of the complete proposal can be obtained from: Strategic Planning - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AD and are available on the County Council's website at <https://www.northyorks.gov.uk/current-consultations>

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Strategic Planning - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AD, by 5pm on 21 November 2019.

Signed

B. Khan
Assistant Chief Executive
(Legal and Democratic Services)

Publication Date:

24 Oct 2019

APPENDIX 2: STATUTORY PROPOSAL

Statutory Proposal by North Yorkshire County Council for the Lowering of the School Age Range at Burton Salmon Community Primary School

Full Proposal Document

Name and contact details of the Local Authority or governing body publishing the proposal:

North Yorkshire County Council, County Hall, Northallerton, North Yorkshire, DL7 8AE

Name, address and category of the school proposed for alteration:

Burton Salmon Community Primary School, Ledgate Lane, Leeds, North Yorkshire, LS25 5JY

Proposed Implementation date:

1st January 2020

Description of alteration and evidence of demand

To lower the age range of Burton Salmon Community Primary School to provide places for 3-4 year olds. There is no nursery provision within the village and Governors have been aware for some time that some of their children do not access nursery education.

Objectives educational standards and parental choice

To provide Early Years provision for parents, pupils and the local community.

The proposed Nursery will provide up to approximately 8-10 places. This would be arranged flexibly depending upon the needs of the family and current legislation. These children will also have access to before school breakfast club provision at the school.

Effect on other schools, academies and educational institutions within the area:

There would be no effect on surrounding schools and local providers of Early Years education were notified as part of the non-statutory pre-consultation and will again have a chance to comment as part of this representation period.

Project Costs:

The revenue cost will be met from a combination of means based funding and parental subscription.

There are no capital implications as a result of this proposal as the school would continue to run their education provision across the existing site and buildings.

There are no transport costs related to this proposal.

Implementation:

Following a formal decision to approve the lowering of age range, Burton Salmon Community Primary School will work to have the new arrangements in place for 1 January 2020.

Procedure for making representations (objections and comments)

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Corporate Director- Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE by 5pm on 21 November 2019.



APPENDIX 3 – Consultation document and consultation responses

Burton Salmon Community Primary School

Ledgate Lane, Burton Salmon, North Yorkshire, LS25 5JY

Tel: 01977 672405

Email: admin@burtonsalmon.n-yorks.sch.uk

Executive Headteacher: Mrs S MacDonald

Governor consultation on the proposal to change the age range of our school and create a new nursery, reception and year 1 class at Burton Salmon Primary School to include provision for three and four-year-old children.

1. The Current position

Burton Salmon Primary School currently provides education for children from 4 to 11 years. We are a fully inclusive school, valuing and respecting everyone equally. We have been aware for some time that some of our children do not access nursery education. There is no nursery provision within the village. However, until now, we have been unable to offer to fill this gap due to a lack of suitable accommodation. With the creation of a new classroom within our existing space, our current Early Years unit would work well as a Nursery/Reception/Year 1 classroom fully delivering the Early Years and Year 1 curriculum.

2. The proposal

It is proposed to extend the age range of children admitted to Burton Salmon Primary School from 4 to 11 to 3 to 11 years. This would mean that approximately 8 to 10 places would be available for three-year-old and four-year-old children (N1 and N2 nursery years) depending on demand. The children would also be able to access our before school provision. The children would be taught in a combined Nursery/Reception/Year 1 class. This has direct access to year-round outdoor learning facilities and its own changing area. The unit would be led by a full-time qualified teacher together with two full time teaching assistants.

3. The benefits

- Our small size allows us to provide individualised support for all the children's social, emotional, spiritual and academic development within a caring, nurturing setting led by specialist staff.
- The children would benefit from experiencing early education activities to support their learning and development, as part of a wider school curriculum and led by a qualified teacher.
- The whole Early Years curriculum could be delivered and extended into Year 1 allowing children to continue to learn in a play-based curriculum.
- Three full time classes across the school would ensure more attention for pupils in the other classes due to the small sizes, regular teachers and extra support staff.
- The school would have three classes – Nursery/Reception/Year 1, Year 2/3/4 and Year 5/6 which would remove the barriers to learning currently caused by having three year groups in one class, and 4 year groups in the other class.
- The new structure would allow for small class sizes in KS2 and extra support staff to support accelerated learning.
- Research shows that when children access good quality early years education and childcare they make rapid progress towards the Early Learning Goals. School staff are able to share

their expertise between Early Years and Key Stage 1 and this is critical to consistent progress.

- Where children go on to attend the school, the transition would be a smooth and effective process allowing the children to settle more quickly.
- It would provide continuity of education and provision through a single leadership team and governing body.
- It would support parents/carers in finding high quality, flexible childcare in the local area and offer a wider parental choice.
- A wider range of resources and expertise could be shared across the age range of the school.
- It would provide opportunity for children to attend provision on the same site as their older siblings. This should impact positively on parents' time and logistics of using different childcare providers.

Questions and Answers

The Governing Body of Burton Salmon Community Primary School is proposing to formally lower the age range of school from 4 to 11 years to 3 to 11 years in order to make new early years provision for 3 - 4 year olds. We would like to know the views of parents and other interested members of the community.

Why are the governors making these proposals?

All 3 and 4 year olds are entitled to 15 hours per week of free Early Years Foundation Stage education from the beginning of the school term following their 3rd birthday until compulsory school age. Some working parents may also be eligible for a further 15 hours of government funded education and childcare known as Extended Entitlement funding. This would enable children to access up to 30 hours of government funded early years education per week. This free entitlement can be taken in a maintained school nursery, a 'foundation stage' class and/or in an Ofsted registered private and voluntary sector setting. It is parental choice as to which type of provision is most appropriate for their child and most convenient for individual circumstances.

Burton Salmon Community Primary School is proposing to provide places for 3 – 4 year olds as an extension of our current reception class provision, by the creation of a Nursery/Reception/Year 1 Class. Skilled staff would work together to provide an excellent environment for young learners' development. The class would have a qualified teacher to support the learning and development of the 3, 4 and 5 year olds. The children would then move into a Y2/3/4 class within the school and a 5/6 class following this.

What would 'Nursery, Reception and Year 1 Class' provision look like?

It would be very similar to what is currently available to existing reception children in school. It would be in the current Class 1. There would be approximately 26 children in total in the class. There would be high quality play-based provision including role play, sand, water, construction, reading, mark making and outside play. There will be free flow between areas, including outside, offering children the choice of activities and allowing them to engage in learning which is relevant and appropriate to their age and stage of development. They will be supported by knowledgeable and appropriately trained adults including a fully qualified teacher. The Year 1 children will learn through play but will also have small group formal teaching in order to make rapid progress in the Year 1 curriculum.

What would it look like for the other classes?

We will move to form 2 extra full-time classes. One class will be a Year 2, 3, 4 class and the other will be a 5/6 class. Each will have its own teacher and its own TA in the morning, alongside extra TA support in the afternoon to support further learning for key pupils. This means that the school will move from a 2 class structure, to a 3 class structure.

Why is this consultation taking place?

Currently the youngest children that the school can admit are in the reception class. In order to take younger children into the proposed new Nursery Unit, legal processes must be followed to lower the age range for the school from 4 to 11 year olds, to 3 to 11 year olds. The first step in this process is that local people must be asked for their views.

How many places will be offered?

The proposed Nursery Unit will provide up to approximately 8 to 10 places. This could be taken as a full 30 hours of provision from 9.00am until 3.15pm or as 15 hours split over the week. Parents will also have the option to 'top up' any funded hours with 'pay as you go hours' which will be billed half termly on ParentPay. Parents may also split their 30 hour entitlement between two early years providers. These children will also have access to our 'before school' provision if parents wish to use it.

Which children would be eligible for a place?

Priority for admission to the Nursery Unit will be determined by the admission policy of the school. Parents should be aware that having a pupil in the nursery class would not guarantee them a place in reception – applications would still be dealt with according to NYCC's admissions policy.

How will the new EYFS Unit class affect other providers?

The new EYFS Unit would take children aged 3 to 4 years old. Our school has links with other local pre-school providers. They are being consulted and have the opportunity to make their views on the proposal known. The expectation is that the school consults North Yorkshire providers within a five-mile radius of the school.

What will happen next?

This is the first step of the consultation. Comments on this consultation will be considered by the Governing Body who will then decide whether to ask the County Council's Executive to publish statutory proposals to lower the age range of the school on their website. This will provide a further period of four weeks in which views and comments can be made

If these proposals go ahead, when will the new class open?

It is proposed that the first nursery children will join the EYFS/Year 1 class in January 2020.

How do I make my views known?

Your views are important, and we would value your opinions. You can send your comments by email to admin@burtonsalmon.n-yorks.sch.uk or by letter to the school, using the feedback sheet below.



Nursery Consultation Questionnaire

Comments should be returned by 9am on Friday 3rd October 2019

If Burton Salmon Community Primary School accepted 3 and 4 year olds between the hours of 9am and 3.15pm, would you have used it when your children were younger or would you use it in the future?

Do you have a pre-school child (aged 0 to 4)? Please detail their name and date of birth and your contact details (email and mobile number).

Would you want to use 15 hours of government funding split over the week?

If you are eligible, would you want to use 30 hours of government funding per week?

Would you use the before school breakfast club for your nursery child, between the times of 8am and 9am?

Are you aware of any friends or family who may be interested in sending their child to our nursery (if so, please detail the child's name, date of birth and parent's contact details overleaf)?

Any further comments you would like to make:

Name: _____

Address: _____

Post Code: _____

Please return to Burton Salmon Community Primary School .

The closing date for receipt of responses is Friday 4th October 2019 at 9:00am

Please tick the category you represent:

Parent:

Governor:

Other: Specify:.....

Responses to the consultation

If Burton Salmon Community Primary School accepted 3 and 4 year olds between the hours of 9am and 3.15pm, would you have used it when your children were younger or would you use it in the future?

1. Yes I have 2 children, one who would use it from January 2020 and the other from September 2020. I live in the village and would walk to the school with my children
2. Yes
3. Yes I would have used the nursery if it had been available for my older children
4. Yes I would possibly use in the future if I decide I would want my baby to go to burton salmon. I would not have used in the past as I needed a nursery with longer opening times.
5. Yes I would use it as soon as it becomes available. I currently have my little one at Chapel Haddlesey (which she enjoys very much) but the driving in two directions is a strain on time and petrol. Burton Salmon potentially opening up nursery places in January is music to my ears!

Do you have a pre-school child (aged 0 to 4)? Please detail their name and date of birth and your contact details (email and mobile number).

1. Yes 2 See above
2. Details provided
3. Yes
4. Yes 1
5. Details provided

Would you want to use 15 hours of government funding split over the week?

1. Yes
2. Yes
3. I would like part of the funding hours
4. Unsure at this moment, but maybe
5. I'm not exactly sure what you are asking, but I think you mean split it into different days throughout the week? If so, then yes.. I'd send her 2.5 days or however it works our with your school hours.

If you are eligible, would you want to use 30 hours of government funding per week?

1. Yes
2. Yes
3. If eligible
4. Maybe
5. I have recently lost my eligibility for 30 hours as my income has dropped since moving here. I am having to rebuild my small business, but if I became eligible again, then yes, I'd use the 30 hours

Would you use the before school breakfast club for your nursery child, between the times of 8am and 9am?

1. On occasion, as I looked to up my work hours
2. Maybe
3. No
4. No
5. No I would not

Are you aware of any friends or family who may be interested in sending their child to our nursery (if so, please detail the child's name, date of birth and parent's contact details overleaf)?

1. Yes, I have a few friends in my friendship group who live locally and would like to send their children to the school. They feel that a nursery would help with the transition into school as they would be in one setting for longer.
2. Blank
3. N/A
4. No
5. Not at the moment, but I would pass on details if I became aware of anyone

Any further comments you would like to make

5. Please open in January and please let ### in ☺

6. Thank you for giving the parish council the opportunity to comment on the proposed nursery consultation.

It is important to the Burton Salmon community for the school to remain open, and as such any initiatives to make money are welcomed.

Having discussed the proposal collectively as a council last night, we do however have serious concerns about the increase in the traffic this proposal will bring, and exacerbate the parking problem.

Have you considered using the parish hall to expand the school plans? This may also alleviate some of the parking issues.

At this time, we are unable to support the proposal until such matters as parking can be resolved. We shall be in touch separately with regards to this matter.

If you would like to discuss this response, please don't hesitate to contact us.

Vice-chair of Burton Salmon Parish Council



Department
for Education

Making significant changes (‘prescribed alterations’) to maintained schools

**Statutory guidance for proposers and
decision-makers**

October 2018

5: Statutory process: prescribed alterations

The statutory process for making prescribed alterations to schools has four stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. Schools should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

When considering making a prescribed alteration change, it is best practice to take timing into account, for example:

- by holding consultations and public meetings (either formal or informal) during term time, rather than school holidays and, where appropriate, extend the consultation period if it overlaps school holidays etc;
- plan where any public and stakeholder meetings are held to maximise response;
- take into account the admissions cycle for changes that will impact on the school's admission arrangements.

A number of changes can impact admissions necessitating reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of two ways:

- the consultation on changing the admission arrangements (as set out in the [School Admissions Code](#)) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or
- a variation is sought, where necessary, in view of a major change in circumstances, from the [Schools Adjudicator](#) so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

Decision-makers should, so far as is possible, co-ordinate with the admission authority, if different, to ensure they avoid taking decisions that will reduce a PAN or remove a relevant age group for admission after parents have submitted an application for the following September (e.g. 31 October for secondary admissions or 15 January for primary admissions).

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Annex A](#) sets out the minimum that this should include. The proposal should be accessible to all interested parties and should therefore use 'plain English'.

Where the proposal for one change is linked to another, this should be made clear in any notices published. Where a proposal by a LA is 'related' to a proposal by other proposers (e.g. where one school is to be enlarged because another is being closed) a single notice could be published.

The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and
- the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. If the proposal is published by a GB then notification must also be posted in a conspicuous place on the school premises and at all of the entrances to the school.

Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to:

- the GB/LA (as appropriate);
- the parents of every registered pupil at the school - where the school is a special school;
- if it involves or is likely to affect a school which has been designated as having a religious character:
 - the local Church of England diocese;
 - the local Roman Catholic diocese; or
 - the relevant faith group in relation to the school;
- proposals affecting a special school should go to any LA that has commissioned a place at the school (i.e. all relevant authorities who have made an out of county/borough placement there); and
- any other body or person that the proposer thinks is appropriate e.g. any affected educational institutions in the area.

Within one week of receiving a request for a copy of the proposal, the proposer must send a copy to the person requesting it.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

Representation (formal consultation)

The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)⁹.

Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
- approve the proposal, with or without modification – subject to certain conditions¹⁰ (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so, the proposer must send written notice to the LA or the GB (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- the LA (where the Schools Adjudicator is the decision-maker);
- the Schools Adjudicator (where the LA is the decision-maker);

⁹ For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2006 (where the Schools Adjudicator may be the default decision maker).

¹⁰ The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

- the GB/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school; and
- any other body that they think is appropriate (e.g. other relevant diocese or diocesan board, faith organisation and any affected educational institutions in the area).

If the [Schools Adjudicator](#) is the decision-maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the LA must publish the decision, with reasons, on the website where the original proposal was published.

Related proposals

Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events¹¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

¹¹ Under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

Equal opportunities issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

Further information on the considerations can be found on the [Equality and Human Rights Commission](#) website.

Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker should consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

Rights of appeal against a decision

The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.

Modification post determination

Proposers can seek modifications from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

Revocation of proposals

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal to be relieved of the duty to implement, as set out in the Prescribed Alterations Regulations.

Land and buildings

Foundation, foundation special or voluntary controlled schools

Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must¹²:

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the GB, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the LA is required to make the transfer, the adjudicator will make a decision.

Voluntary aided schools

Where a LA is required to provide a site for a voluntary aided school, they must transfer their interest in the land to the trustees of the school, and must pay the reasonable costs to the GB in connection with the transfer.

¹² Under paragraph 17 of schedule 3 of the Prescribed Alterations Regulations

School premises and playing fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

[Guidelines](#) setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

APPENDIX 5: Equality Impact Assessment

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated April 2019)

Proposal to Lower the Age Range of Burton Salmon Community Primary School

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	CYPS Strategic Planning Team
Lead Officer and contact details	Andrew Dixon, County Hall
Names and roles of other people involved in carrying out the EIA	John Lee, Strategic Planning Officer
How will you pay due regard? e.g. working group, individual officer	LA Officers and School Governing Body
When did the due regard process start?	Non-statutory pre-consultation started in October 2019

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

We are proposing to lower the age range of Burton Salmon Community Primary School from 4-11 to 3-11.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The County Council has been asked by the Burton Salmon Community Primary School to propose the lowering of their age range to provide places for 3-4 year olds.

There is no nursery provision within the village and Governors have been aware for some time that some of their children do not access nursery education.

The proposed Nursery will provide up to approximately 8-10 places. This would be arranged flexibly depending upon the needs of the family and current legislation. These children will also have access to before school provision at the school.

Section 3. What will change? What will be different for customers and/or staff?

Burton Salmon Community Primary School is proposing to provide places for 3 - 4 year olds by the creation of a combined Nursery/Reception/Year 1 class from January 2020. Priority for admission to the nursery class will be determined by the County Council's Admissions Policy for Nurseries. Admissions for the nursery class are separate from admissions to the school, which are determined by the County Council's policy for Community and Voluntary Controlled Schools.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The school have undertaken the non-statutory consultation period as recommended by the Statutory Guidance.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

It is envisaged that this proposal will be cost neutral as the Early Years funding will be received from means tested funding where children are eligible and by parental subscription where they are not.

There are no capital implications as a result of this proposal as the school would continue to run their education provision across the existing site and buildings.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age		x		There is currently no nursery provision in the village.

Disability	x			No impact is anticipated.
Sex	x			No impact is anticipated.
Race	x			No impact is anticipated.
Gender reassignment	x			No impact is anticipated.
Sexual orientation	x			No impact is anticipated.
Religion or belief	x			No impact is anticipated.
Pregnancy or maternity	x			No impact is anticipated.
Marriage or civil partnership	x			No impact is anticipated.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?		x		There is currently no nursery provision in the village.
...have a low income?	x			No impact is anticipated.
...are carers (unpaid family or friend)?	x			No impact is anticipated.

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	X

If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.

Burton Salmon

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

No

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	x
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.)	
It is considered that this proposal will not affect any of the groups listed above.	

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

Monitoring will be carried out through the County Council's Education and Skills Team and through Ofsted inspections.

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Not applicable				

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The County Council's Officers feel that this decision is in the best interests of children and families served by the school to ensure quality early years education provision is provided in the area.

Section 14. Sign off section

This full EIA was completed by:

Name: John Lee

Job title: Strategic Planning Officer

Directorate: CYPS

Completion date: 3/10/19

Authorised by relevant Assistant Director (signature): Judith Kirk

Date: 3/10/19