

<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	6 <sup>th</sup> April 2023
<b>Subject:</b>	Determination of Proposal to Expand the Age Range at Waterloo Primary School		
<b>Report of:</b>	Executive Director for Children's Social Care and Education	<b>Wards Affected:</b>	Church and Victoria
<b>Cabinet Portfolio:</b>	Education		
<b>Is this a Key Decision:</b>	Yes	<b>Included in Forward Plan:</b>	Yes
<b>Exempt / Confidential Report:</b>	No		

### Summary:

The purpose of the report is to seek a determination on the proposal to expand the age range at Waterloo Primary School.

### Recommendation(s):

The Cabinet is requested to approve the proposal as detailed in the statutory notice to change the age range from 4 to 11 to 2 to 11 at Waterloo Primary School with effect from July 2023, as set out in Appendix A to the report.

### Reasons for the Recommendation(s):

The local authority has the power to consider all options including expanding a maintained school following the statutory process detailed in the report.

**Alternative Options Considered and Rejected:** (including any Risk Implications)  
Local authorities have a statutory duty to secure sufficient childcare places to enable parents to work. These childcare places need to be accessible, affordable, and delivered flexibly in high quality settings. Local authorities must ensure that the needs of children and families in each local area are met, by influencing and shaping provision through local partnerships, and by identifying gaps and developing the market.

### What will it cost and how will it be financed?

#### (A) Revenue Costs

There are no revenue financial implications as a result of this report.

#### (B) Capital Costs

N/A

## Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>  The school are exploring TUPE arrangements for existing staff taking advice from Sefton Council.								
<b>Legal Implications:</b>  The reorganisation of school provision, as proposed at Waterloo Primary School, is a statutory change and therefore subject to a formal legal process. This process is set out in the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations.								
<b>Equality Implications:</b> <b>See body of report section 6</b>								
<b>Climate Emergency Implications:</b>  The recommendations within this report will <table border="1"><tr><td>Have a positive impact</td><td>Yes</td></tr><tr><td>Have a neutral impact</td><td>No</td></tr><tr><td>Have a negative impact</td><td>No</td></tr><tr><td>The Author has undertaken the Climate Emergency training for report authors</td><td>Yes</td></tr></table>	Have a positive impact	Yes	Have a neutral impact	No	Have a negative impact	No	The Author has undertaken the Climate Emergency training for report authors	Yes
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## Contribution to the Council's Core Purpose:

<b>Protect the most vulnerable:</b> The proposal will provide additional school places and ensure that pupils will not have to travel to other areas to attend school.
<b>Facilitate confident and resilient communities:</b>
<b>Commission, broker and provide core services:</b> The proposal will provide additional school places in an area where demand for places is growing due to additional housebuilding.
<b>Place – leadership and influencer:</b> N/A
<b>Drivers of change and reform:</b> N/A
<b>Facilitate sustainable economic prosperity:</b> N/A
<b>Greater income for social investment:</b> N/A
<b>Cleaner Greener:</b> N/A

## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7186/23) and the Chief Legal and Democratic Officer (LD5386/23) have been consulted and any comments have been incorporated into the report.

## **(B) External Consultations**

Consultation has been conducted with parents, governors and staff at the school and Head teachers at other Sefton schools. The nursery staff have also been consulted. Notices were published on Sefton Council website in accordance with current legislation, on 14<sup>th</sup> February 2023 and this was followed immediately by a four-week representation period which ended on 14<sup>th</sup> March 2023.

### **Implementation Date for the Decision**

Immediately following the Council meeting.

<b>Contact Officer:</b>	Tracy McKeating
<b>Telephone Number:</b>	07837 863075
<b>Email Address:</b>	<a href="mailto:Tracy.McKeating@sefton.gov.uk">Tracy.McKeating@sefton.gov.uk</a>

### **Appendices:**

The following appendices are attached to this report:

Appendix A - Public Notice and Proposal for Waterloo Primary School

Appendix B – Response to Sefton Council from Parent

### **Background Papers:**

There are no background papers available for inspection.

## **1. Introduction/Background**

- 1.1.** Approval was given by Cabinet Members for Education on 3<sup>rd</sup> February 2023 to the publication of a statutory public notice to change the age range at Waterloo Primary School from ages 4 to 11, to 2 to 11.
- 1.2.** In December 2022, the Head teacher and Governing body wrote to the Assistant Director for Education seeking approval to expand the school to include nursery provision that would be led under the direction of the governing body, current head teacher and staff at Waterloo Primary School.
- 1.3.** The current provision is on the site and managed by a private early year's provider. This proposal provides an opportunity for the school to re-configure how early years provision is delivered to enable it to meet the needs of local parents and improve the quality of education.
- 1.4.** Another factor influencing the governing body proposal to manage the nursery provision was in February 2022, the school Ofsted inspection confirmed that Early Years was good. This would enable the good practice identified to be extended into the school Nursery.

- 1.5. The proposal includes having a teacher led nursery with leadership responsibility and management oversight from the Deputy Headteacher who is an early year's practitioner. Having this role being responsible for the delivery of the early years provision would increase educational standards.
- 1.6. Being responsible for the management of the nursery provision would ensure early identification of children with specific special educational needs. In addition to this the school have a service level agreement in place with Sefton Council to deliver the early help offer through the Family Wellbeing Centre.
- 1.7. Parents are increasingly seeking more flexibility from nursery places, to support them with work commitments. The existing private provision operates 8am until 5pm five days a week for thirty-eight weeks a year. A maximum of forty children attending each session. The current provision closes at 3.15p.m. on a Friday.
- 1.8. By increasing the wrap around offer this would almost certainly increase the number of pupils accessing the provision, as working parents who need more hours than are currently offered, would have the school setting as an option rather than having to travel further afield. This would also apply to working parents of existing pupils who may not previously have been able to use the provision for younger siblings due to the restricted hours on offer.

## **2. Process**

- 2.1. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, and associated statutory guidance, sets out the process to be followed in relation to changes to school organisation, and the factors that must be considered by decision makers.
- 2.2. In respect of changes involving a community school, such as alteration of the age range, the LA is both the proposer and the decision maker of the proposal. Whilst the Governing Body have requested that this proposal be developed, the LA must publish and consult on the proposal. If the Authority fails to decide the proposal within two months from the end of the consultation period, the proposal and any representations about the proposal must be passed to the Schools Adjudicator for a decision.
- 2.3. Upon publication of a statutory notice setting out the proposal, representations can be made to the LA by any person within a four-week period.
- 2.4. The statutory guidance states that the LA as decision-maker will need to be satisfied that the appropriate, fair and open consultation has been carried out, and that the proposer has given full consideration to all the responses received.

**2.5.** The decision-maker must consider the views of those affected by a proposal or who have an interest in it and 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 directly affected by a proposal – especially parents of children at the affected school.

### **3. Consultation**

**3.1.** Prior to the publication of a proposal, there is a strong expectation that interested parties will be consulted in developing the proposal prior to publication, taking into account all relevant considerations. The head teacher and governing body wrote to the local authority in December 2022 to seek approval to start the consultation process in relation to the prescribed alterations to Waterloo Primary School.

**3.2.** The school has carried out other consultations with parents and staff and the private nursery that is currently in operation.

**3.3.** The school has carried out consultation with the staff and families that would be affected by this proposal. Following this, the LA was requested to publish the statutory proposal.

**3.4.** The statutory guidance states that the LA as decision-maker will need to be satisfied that the appropriate, fair and open consultation has been carried out, and that the proposer has given full consideration to all the responses received.

**3.5.** The proposal was published on 14<sup>th</sup> February 2023, setting out arrangements for those affected by the proposal to make their views known. The closing date for receipt of comments was 14<sup>th</sup> March 2023.

**3.6.** Other head teachers in the local area were written to on 22<sup>nd</sup> February 2023 to inform them of the proposed prescribed alterations to Waterloo Primary School the statutory process required.

### **4. Response to the consultation**

Several replies were received. A telephone call from a parent received shortly after the letter was sent out - "***I am shocked and disappointed that you are kicking the nursery out. We've only just had notification from the nursery and now you have sent this letter. I think it is disgusting that you are kicking them out.***"

A few passing comments from parents who have asked to place their children's name down for the school nursery once this opens:

A copy of a response from a parent is set out in Appendix B to the report.

There have had three completed Expression of Interest forms received for places in September 2023. Three parents have asked if the school would be creating any job opportunities.

There has been no response to the consultation from other schools in the local area in the local area.

## 5. The Decision-Making Process

Cabinet is the Decision Maker for the proposal which must be determined by the Local Authority. The Decision Maker must consider the four key issues below before judging the respective factors and merits of the proposal.

- **Is any information missing?** All necessary information is included in this report and the statutory process in making prescribed alterations has been followed.
- **Does the published notice comply with statutory requirements?** The published notices have been compiled in accordance with the statutory guidelines and advice from the DfE on the wording to be used. An example is attached at Annex A.
- **Has the consultation been carried out prior to the publication of the notice?** The consultation process was reported to the Cabinet Member for Education on 3rd February 2023.
- **Are the proposals “related” to other published proposals?** The individual proposal is not related to any other published proposals.

## 6. Equality Implications

6.1 The Equality Act 2010 says public authorities must comply with the public sector equality duty. In carrying out their functions, they need to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by or under this Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race

- Religion and Belief
- Sex
- Sexual Orientation

- 6.2** In Sefton, a motion was approved by Council, at its meeting on 19<sup>th</sup> January 2023 to include Care Experience, as a protected characteristic. This decision is recognised in the Equality, Diversity and Inclusion Strategy.
- 6.3** Young people are a protected characteristic by age, but they may also have other protected characteristics too, for example they may also have a disability or are care experienced.
- 6.4** According to the Census 2021 there are 71, 404 children and young people aged 0 – 24. In Sefton there are also currently over 600 cared for children and over 2500 children and young people who have an Education, Health, and Care plan.
- 6.5** This proposal will positively impact on the number of school places for children of preschool age and thereby increasing opportunities for parental choice, in line with DfE guidance. In addition, the school has a SEND resource base which will enable the pre-school provision to access expert advice and support in the early identification of special educational needs

## Appendix A

### **Public Notice and Proposal for Waterloo Primary School**

Notice is given in accordance with Regulations 4 and 5 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that Sefton Council intends to make a prescribed alteration to Waterloo Primary School from July 2023.

This consultation is being undertaken to advise you of proposals concerning Waterloo Primary School and to invite you to tell us what you think of the proposals. This is part of a statutory consultation process that Sefton Council is managing in partnership with the school's Governing Body.

The proposal is:

- To change the age range at Waterloo primary School from 4 - 11 to 2 - 11 from July 2023. The published admission number (PAN) for the main school will not be affected by these proposals. The nursery provision will be offered in a more flexible way, according to parental demand.
- To run all nursery provision for 2-3 year under the direction of the School Governors from July 2023

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from the School Organisation Team, School Support Services, Sefton Council, **3<sup>rd</sup> Floor, Magdalen House, Trinity Road, Bootle, L20 3NJ** [www.sefton.gov.uk/schools-learning/school-organisation](http://www.sefton.gov.uk/schools-learning/school-organisation)

Within four weeks from the date of publication of these proposals, any person may object to or make comments on the proposal by sending them to the School Organisation Team, School Support Services, Sefton Council, **3<sup>rd</sup> Floor, Magdalen House Trinity Road, Bootle, L20 3NJ** or by email to: [school.organisation@sefton.gov.uk](mailto:school.organisation@sefton.gov.uk)

Signed: D Johnson, Chief Executive and Authorised Officer of Sefton Metropolitan Council

Publication Date: 14 February 2023

#### Introduction

This consultation is being undertaken to advise you of proposals concerning Waterloo Primary School and to invite you to tell us what you think of the proposals. This is part of a statutory consultation process that Sefton Council is managing in partnership with the school's Governing Body. The proposal is:

- To change the age range at Waterloo primary School from 4 - 11 to 2 - 11 from July 2023. The published admission number (PAN) for the main school will not be affected by these proposals. The nursery provision will be offered in a more flexible way, according to parental demand.
- To run all nursery provision for 2-3 year under the direction of the School Governors from July 2023



## **Why Change?**

Parents are increasingly seeking more flexibility from nursery places, to support them with work commitments.

The existing provision operates 8 – 5 p.m for 5 days a week for 38 weeks a year – with a maximum of 40 children attending each session. The Nursery closes currently at 3.15 p.m on a Friday.

By offering a School Nursery with the existing Nursery staff from the current private provider there would be consistency of location, provision, quality and care with the added robustness and requirements of a school-based nursery rather than a PVI setting. In February 2022 the school Ofsted inspection confirmed the evaluation of the school that Early Years was good. This practice would be extended into the school Nursery.

A Nursery at Waterloo Primary would be teacher led with leadership responsibility and oversight from the Deputy Headteacher who is an early year's practitioner thus increasing educational standards. The Deputy Headteacher started her NPQ in Early Years in January 2023 and is also ready working with the LA on the SSTEWS project with the support of Sefton Council Service Manager for Early Years.

By ultimately increasing the wrap around offer this would almost certainly increase the number of pupils accessing the provision, as working parents who need more hours than are currently offered would have the school setting as an option rather than having to travel further afield. This would also be the same situation for working parents of existing pupils who may not previously have been able to use the provision for younger siblings due to the restricted hours on offer.

In order to ensure early identification of specific SEND it would be our intention to offer specific resource places over a period of time which would support smooth transition into the school resourced bases for pupils with ASD.

The school runs a Family Wellbeing Centre commissioned by the Local Authority and it would be the schools intention to extend the links between Nursery and the Centre to ensure targeted early help considering the needs of the whole family and support for all with access to universal and targeted services at the point of identified need.

## **Building consequences**

There will be no changes to the accommodation, and early years children will continue to attend their sessions.

## **What is the proposed timetable?**

3<sup>rd</sup> February 2023: The Council Portfolio Holder for Education gave approval for the proposal to go out for consultation.

10<sup>th</sup> February 2023 – : Consultation with parents and the local community to take into account the views expressed regarding the proposals to change the age range.

If Cabinet agree to the proposals, the decision will begin to be implemented from June 2023 with the new arrangements beginning in July 2023.

## Appendix B

### Response to Sefton Council from Parent

Hello,

I was notified today from both Next Steps Nursery and Waterloo Primary school that the intention is to kick Next Steps out of the premises and replace it with a Nursery.

I have children currently in Waterloo Primary School and Next Steps (all have attended Next Steps). I am beyond heartbroken at this decision and cried upon reading the notifications.

Next Steps has been operational for almost (over?) two decades now and is a home away from home - they are family run and have always advocated for the children that attend their setting. They have built a business on their amazing ability to bring children out of their shell and their love and care for the children in their care.

Ruth knows every child and every parent and is always available for a chat, regardless of whether it is work based or personal.

In the letter we received below was noted:

*"There will be no changes to the accommodation, and early years children will continue to attend their sessions."*

It is beyond unfair that Sefton Council feels that it is able to take away someone's successful business and then state that the children that attend will continue to attend their sessions - you're not only taking away Next Steps business, you're also looking to steal their revenue streams and clients. Not surprising though, at least all government establishments keep to the same script.

In the letter we received there was also this comment:

*"A major benefit of a school based Nursery is that it must be led by qualified teachers."*

I think this comment is disgusting - it insinuates that the staff at Next Steps are inadequate at their job because they are not qualified teachers. Qualified teachers are trained to tick boxes and from my experience with teachers over the last couple of years, they will always put school policy over the well-being of a child. I don't think the comment above is a major benefit at all.

Our government require children to attend educational establishments once they are 5 - and from there they are conditioned to sit down, and follow rules. My older children panic over reading at home because if they don't their lunch breaks are reduced because they have to attend reading club. They no longer read for enjoyment, but instead out of fear.

So I have a few questions:

What support are you offering the current owners of Next Steps Nursery for taking away their building and also intending on taking their business/ customers?

Can you confirm that being in a qualified teacher led nursery that the children will allow to be children and that structured education will not be forced on them at 2?

Can you also confirm that the school will be able to budget accordingly? And are you able to share the budget plans and how this will financially benefit the school?

At present schools around the country are incredibly under funded - I'm struggling with how it makes sense to remove a constant revenue stream to take on additional costs, staffing, and supplies?

I understand you will be able to charge for breakfast club and afterschool clubs; but you already do that. I'm incredibly cautious that the current Nursery will be replaced by one that will be subject to extreme budget pressure and teacher strikes.

I am heartbroken; and my intention will be to move my youngest to wherever Ruth and her team move too - Next Steps was a Nursery that I chose for my children to attend because I loved it.

Thank you,