

# Outcome of statutory notice on a proposal to change the age range of Wykebeck Primary School from 3-11 to 2-11 with effect from September 2023

Date: 15 March 2023

Report of: Director of Children and Families

Report to: Executive Board

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

The report contains details of a proposal brought forward by Leeds City Council to lower the age range of Wykebeck Primary School from 3-11 years to 2-11 years and create Free Early Education Entitlement (FEEE) provision for 24 eligible 2-year-olds in the area. The changes proposed form prescribed alterations under the Education and Inspections Act 2006 and are aligned with the statutory process set out in the Department for Education's guidance document, 'Making significant changes (prescribed alterations) to maintained schools' (October 2018).

Wykebeck Primary School is located within an area of high demographic demand for FEEE provision and the intention of creating places at a school-based setting offers parents a wider choice of this provision. By creating a further 24 places within the area, the proposal if approved, would support the Leeds Best City Priority to support families to give children the best start in life.

At its meeting in December 2022 Executive Board approved the recommendation to publish a Statutory Notice, following an initial informal consultation. A statutory notice was published on 9th January 2023 marking the start of a four-week formal consultation. During this four-week period, which ended on 5th February, anyone could submit comments on or raise objections to the proposal.

Where formal objections are received in respect of school organisation proposals, the Executive Member will engage with the Chair of Children and Families Scrutiny Board and agree the next steps. The outcome of those discussions is conveyed to Scrutiny Board members, so they are able to make comments regarding the objections received. No objections were received during the four-week formal consultation.

This report summarises the representations received during the statutory notice period and seeks approval from Executive Board on the recommendations below.

## **Recommendations**

Executive Board is requested to:

- a) Note the outcome of the statutory notice period;
- b) Approve the recommendation to permanently change the age range of Wykebeck Primary School from 3-11 to 2-11, with effect from September 2023;
- c) Approve the recommendation to exempt the decision from Call-In for the reasons set out in paragraph 31;
- d) Note the responsible officer for implementation is the Head of Learning Systems.

## **What is this report about?**

- 1 Leeds City Council has a duty to ensure that any two-year-old within the city, who meets the eligibility criteria, can obtain a FEEE place until the point they become eligible for the universal entitlement.
- 2 In 2013, to improve children's early years development and to support families with the cost of childcare, the government introduced 15 hours of FEEE for eligible two-year-olds.
- 3 This proposal would provide a further 24 places of early education for two-year-olds based at Wykebeck Primary School. The school is located within the Gipton area of Leeds which has a high level of population density and the highest number of families in the city who would meet the eligibility criteria for two-year-old FEEE. Creating additional places at a local school, which has been judged good by Ofsted (February 2022), offers families a wider choice of provision, in addition to the two private providers and Little Owls nursery in the area.
- 4 As part of work to encourage families to take-up this provision in the most disadvantaged areas of the city, additional places are needed to support an increase in take-up.
- 5 Increasing the take-up of FEEE for eligible two-year-olds in Leeds is a key priority for the council. As well as providing local and accessible places, a range of providers are also required to meet the needs of families locally.
- 6 The area of Gipton, close to Wykebeck Primary School, has three providers offering FEEE for eligible two-year-olds however school staff are regularly approached by parents enquiring about starting their children at the school before they reach their third birthday.
- 7 It is anticipated that if the proposal was approved, the availability of additional two-year-old places would appeal to families who have siblings already in school as well as the wider community.
- 8 If this proposal was to be approved, places for two-year-old eligible children would be available from September 2023, with the school offering 12 x 3-hour morning places and 12 x 3-hour afternoon places, term time only. Research shows this is the effective model of delivery both for the welfare of these young children attending and the financial viability of the school, providing 15 hours of FEEE per week for eligible children. The school understand that by setting up provision flexibly, for example with the option for parents to buy additional sessions, the offer would be open to all families within the community.
- 9 At its December 2022 meeting, Executive Board considered the outcome of an initial consultation on this proposal and approved the recommendation to publish a statutory notice, marking the start of a formal four-week consultation period. Paragraph 23 provides detail about the consultation that has taken place.

## **What impact will this proposal have?**

- 10 This proposal creates a positive impact for families within the Gipton area and can only support the aim to create positive outcomes for all children in city and specifically those living in areas of most disadvantage.

- 11 The creation of a further 24 places in this area will not negatively impact on other local providers, due to the numbers of children in the area who are eligible.
- 12 As part of the Leeds Children and Young People's Plan (CYPP) to improve attendance, attainment and achievement, the linked Leeds 3 A's plan has a priority of 'all children, young people and families are supported to access and regularly attend early years education settings', which this proposal supports. In addition, the 'Health and wellbeing' and 'Inclusive growth' pillars of our Best City Ambition reinforce the aim to improve lives of families who are most likely to experience poverty and to ensure that all children in all areas of the city have the best start in life and enjoy a healthy, happy and friendly childhood. By providing early education opportunities this proposal also supports the understanding that place matters, contributing towards positive identities within communities.
- 13 Leeds City Council is focussed on increasing the take-up of two-year-old FEEE in the most disadvantaged areas of the city as well as raising awareness of the benefits of early education and childcare for families. Based on the past 3 terms of claims Harehills has an average take-up rate of 53%. The citywide average is 77%.
- 14 The intention of creating places at a school-based setting offers parents a wider choice of provision. We understand that in order to achieve good take-up rates, places must be local and accessible.
- 15 Although the intention is to provide places for families within Gipton and the wider Harehills area, being located near to the Burmantofts and Richmond Hill ward, this may provide an alternative to families there if places are available.
- 16 During the last Ofsted inspection, the lead inspector acknowledged that the early years provision provided children with a "flying start" and that there was evidence next time to go for an outstanding judgement in early years.
- 17 There is evidence that the children's communication and language significantly accelerate due to the work of the early year team at the school and to broaden that out to children from two years should have a positive impact on their outcomes by the time they leave early years.
- 18 An Equality, Diversity, Cohesion and Integration Screening (EDCI) form that considered the statutory process is attached as appendix 1.

### **How does this proposal impact the three pillars of the Best City Ambition?**

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 19 This proposal, if approved, would support the Health and Wellbeing and Inclusive Growth pillars of the Best City Ambition by ensuring children in all areas of the city have the best start in life and enjoy a healthy, happy and friendly childhood. It would also support the aim to improve lives of families who are most likely to experience poverty. By providing early education opportunities this proposal also supports the understanding that place matters, contributing towards positive identities within communities.
- 20 Providing places close to where children live allows improved accessibility to local and desirable early years settings, is an efficient use of resources and reduces the risk of non-attendance. As part of the breakthrough priorities under inclusive growth, this proposal forms part of the learning outcomes for social mobility, with a focus on early years, working to ensure every child in Leeds has a good start in life.
- 21 In addition, by providing additional good quality early years places in an already established school, located in an area where eligibility for places is high, will contribute towards the achievement of the Child Friendly City aim of 'improving educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes'.

## What consultation and engagement has taken place?

Wards affected: Gipton and Harehills

Have ward members been consulted?  Yes  No

- 22 The process in respect of this proposal has been managed in accordance with the relevant legislation and with local good practice.
- 23 An initial public consultation about this proposal took place during October/November 2022. The outcome of that consultation was detailed in a report to Executive Board at its December 2022 meeting and approval was given to publish a statutory notice. A statutory notice was published in the Yorkshire Evening Post on 9 January 2023 marking the start of a four-week formal consultation (representation) period which ended on 5 February 2023. The full proposal was published on Leeds City Council's website and all parents/carers at the school received notification, along with any stakeholder who responded to the first stage of public consultation and provided their contact details. Other local schools were also informed about the proposal along with ward councillors and other relevant stakeholders.
- 24 During the representation period, anyone could submit comments on or objections to the proposal via email or post. A total of one representation was received in support of the proposal, as follows;

"I strongly support the lowering admission age for your pre-schooler. I currently have a child in [REDACTED] and would glad take up a place if offered for my [REDACTED]-year-old. Having both children in one location, would give me a well organised dropping and picking up arrangement in order for me to get myself back into work. I therefore give my support as a local parent looking for early childhood care arrangements".

## What are the resource implications?

- 25 There is no capital cost to this scheme for the local authority.
- 26 The school have already committed to remodelling their indoor and outdoor learning environment and appointed architects to develop the plans for the remodelling of the nursery, working collaboratively with colleagues from Leeds City Council's Assets and Access team and working in partnership with the Learning Improvement advisors to ensure a high-quality learning environment is established. Irrespective of the proposal being approved, the school are committed to improving their early years provision space and have the funds available to carry this out. If the proposal is approved the additional remodelling will create space which can then be used to create the 24 two-year-old FEEE places with no additional capital costs.

## What are the key risks and how are they being managed?

- 27 The proposal to change the age range at Wykebeck Primary School has been brought forward to meet the need for additional FEEE places for eligible 2-year-olds and create opportunities to give the best start possible for young children in the Gipton and Harehills area. A decision not to proceed at this stage could mean a lack of available places for children within an area of high demographic need and the authority's ability to meet its legislative requirement to secure sufficient early education places in the area would be at risk.
- 28 There is also a corporate risk associated with failing to provide sufficient school/learning places in good quality buildings that meet the needs of local communities.

## What are the legal implications?

- 29 The changes proposed form prescribed alterations under the Education and Inspections Act 2006 and are aligned with the statutory process set out in the Department for Education's

guidance document, 'Making significant changes (prescribed alterations) to maintained schools' (October 2018).

- 30 At its meeting in September 2021 Executive Board members agreed that in the future, and in response to the recommendation of the Children and Families Scrutiny Board, anonymised consultation responses be shared in full with Executive Board Members as 'background documents'. These would be published alongside the agenda papers, but not form part of the formal agenda. In this case as there was only one consultation response this has been anonymised and is included in full at paragraph 24. Executive Board members are asked to consider this as part of their decision making.
- 31 It is recommended that this report be exempt from Call-In, in line with Executive & Decision Making Procedure Rule 5.1.3, this report being exempt from Call In if the decision taker considers that the decision is urgent (i.e. that any delay would seriously prejudice the Council's or the public's interests). Executive Board is the decision maker for this proposal and statutory guidance states that a final decision must be made within 2 months of the end of the statutory notice period, therefore by 4 April 2023, or be referred to the Schools Adjudicator. Following initial public consultation on the proposal in October/November 2022 the earliest date that Executive Board could consider a recommendation to publish a statutory notice was at its meeting in December 2022. The decision to publish a statutory notice was implemented on 9 January 2023 following the expiry of the call-in period for the December 2022 Executive Board meeting. The representation period ended on 5 February 2023 and the earliest a report could go to Executive Board, following clearance, is March 2023. If the decision was then 'called-in' and Scrutiny Board subsequently referred the matter back to Executive Board with a recommendation to reconsider its decision, this could not be done until Executive Board on 19 April 2023, which would be outside of the 2-month decision period. The consequence would be that a local decision could no longer be made, and the matter would automatically be referred to the Office of the Schools Adjudicator to decide.

## **Options, timescales and measuring success**

### **What other options were considered?**

- 32 The Governing body of the school approached the local authority as part of the work the authority is doing to increase take-up of FEEE in the area, therefore no other options have been considered at this point. However, further additional places may be required in the future and options to increase existing provision will be considered.

### **How will success be measured?**

- 33 If approved, the proposal will offer 24 places each year for eligible two-year-olds in one of the most disadvantaged areas of the city and support the ambition and priorities to give children and families the best start in life.

### **What is the timescale and who will be responsible for implementation?**

- 34 This proposal has been brought forward to allow the local authority to change the age range of Wykebeck Primary School and allow the school to deliver 24 FEEE places for eligible two-year-olds from September 2023.

## **Appendices**

- Appendix 1: Equality, Diversity, Cohesion and Integration (EDCI) screening form.

## **Background papers**

- None.