

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Lead Member for Children's Services
Date:	10 November 2021
Title:	North Baddesley Infant School Age Range
Report From:	Director of Children's Services

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Purpose of this Report

1. The purpose of this report is to provide feedback on the statutory public notice in relation to the proposal for North Baddesley Infant School to take children from age 2 years old and to deliver nursery provision from 8am to 6pm.
2. This report seeks approval for the age range of the school to be lowered.

Recommendations

3. That approval be given to the following proposals, published by Hampshire County Council under Section 19 (1) of the Education and Inspections Act 2006:
 - To make a prescribed alteration to North Baddesley Infant School, Botley Road, North Baddesley, Southampton, SO52 9EE, to provide nursery provision for up to 40 places for children from 2 years to 4 years old, commencing with 24 places with effect from 1 January 2022 and with a requirement to consult with the Council prior to any further expansion of places.

Executive Summary

1. This report outlines the rationale, background and outcome of the Public Notice to the request to lower the age range North Baddesley Infant School.
2. North Baddesley Infant School is a community school currently approved to take children of school age from Year R to Year 2. The PAN for the school is

currently 90 with maximum capacity of 270. The governing body of the school is seeking to:

- (a) Lower the school age range to 2-year-olds; and
 - (b) Directly manage a new early years' facility as part of the school.
3. The North Badgesley Infant School proposal is to open a new provision. The school leadership team has reviewed its management, financial and operational arrangements, and the governors at its meeting on 24 June 2021 gave full agreement to the proposal.
 4. The school has previously offered the childcare opportunity to the open market. This resulted in only one interested provider who went through the selection process; however, they have chosen not to take up the opportunity to deliver the childcare provision. The school has not considered to offer it out again due to the poor response previously.
 5. The lowered age range will be accommodated in the multi-purpose building which is currently sited on the school campus which has full facilities to accommodate younger children. The accommodation was successfully purchased and installed via a community grant and the remaining costs were supported by the school who recognised the demand for wrap around care by their working parents.
 6. There is no cost to Hampshire County Council associated with this proposal.
 7. A public consultation was held from 3 September to 1 October 2021.
 8. There have been three objections raised and these have been resolved.
 9. A copy of the Public Notice is appended (Appendix 2). The County Council has complied with all statutory requirements relating to the publication of the Public Notice.

STATUTORY PUBLIC CONSULTATION

10. *The Making Significant Changes ('prescribed alterations') to Maintained Schools* (publishing.service.gov.uk) guidance sets out the process to be followed.
11. As a Public Notice was published in the press on 3 September 2021 with the consultation period closing 1 October 2021.

Contextual Information

12. North Badgesley Infant School had previously tendered out to the childcare market in December 2019 for an independent childcare provider to deliver childcare onsite. Due to the impact of the Covid-19 pandemic, the successful organisation has confirmed to the school they do not wish to enter the lease

arrangement. The school have not considered to offer it out again due to the poor response previously. During the 2019 tender process, there was one local provider who was concerned that further provision in the local area would adversely affect their business operation.

13. A new childcare provision on site for 2 to 4-year-olds will allow further choice of childcare to parents in the North Baddesley ward and support those also with older siblings at the school. There is a preschool for ages 2-4 years which already shares the same site of the school. The new provision will have distinct and different childcare offer and childcare delivery model. There is current partnership working between the current onsite provision and the school. In the ward, there is one full day care provider, four early years funding approved childminders and three term time preschools, including the current provider on site.
14. Having a school directly managed nursery will not make North Baddesley Infant an all through school. Parents of children attending the nursery will still be required to apply for their place in Year R through the usual admission arrangements. There is scope for children who are eligible for either early years pupil premium, or the service premium, for admission authorities to give priority in their oversubscription criteria where these children: a) are in a nursery class which is part of the school; or b) attend a nursery that is established and run by the school. There will be requirement for the nursery to be named in the admission arrangements and its selection must be transparent and made on reasonable grounds. Confirmation from the school to take up this admission arrangement will be established once there is formal and final decision is made on the lowering age range.
15. The Small Area Population Forecast for the ward indicates a 20% increase in children aged from birth to four years old over the next six years because of new housing developments. This new provision therefore helps to provide sufficient childcare places for the anticipated population growth.
16. A review of the childcare population and take up of childcare in North Baddesley has confirmed a need for 42 places.
17. The review also outlined that 40% of the children living in North Baddesley take up childcare provision outside of that local area in the New Forest, Eastleigh, Fareham and Winchester. There were 60% of children from North Baddesley aged two who took up some provision. Whilst this was 10% lower than the average for Hampshire (CSA 2019), it represents a high demand for parental fee paying childcare. There were 28% of the Year R cohort for 2021 who had taken up an extended entitlement provision as preschool/full day care indicating demand from working parents.
18. The North Baddesley Infant School proposal to open a new provision supports the growth of child population in the ward over a six-year period to meet potential demand.

Finance

19. The key to successful early years provision is the ability to be financially sustainable through the limitations of the early years' education funding, through setting appropriate parental fees for additional services together with allowable consumable charges. It is therefore important that both the school governing body and leadership team regularly review their business plans, financial forecasting and establish close monitoring of the income and expenditure with good debt management. It is also recommended that the income and expenditure of the proposed nursery is kept separate to the School's main budget.
20. North Baddesley Infant School has undertaken its own due diligence and understands that the nursery income can only be met from early years education claims and parental fee income. At its meeting of 24 June 2021, the Governing Body approved the financial plans for the lowered age group. The Governing Body understands its financial responsibilities regarding this age range change and the budgetary requirements.

Human Resources Implications

21. As North Baddesley Infant School is setting up a new provision, there are no TUPE implications. The school has identified and can put in place appropriate staffing arrangements from January 2022 to support this proposal..
22. The school is responsible for ensuring employment of appropriate staff for the nursery and have taken advice from schools HR support in considering this proposal.

Performance Impact

23. North Baddesley Infant School recognises that delivering an early year's provision will offer an early intervention approach to children with SEN and implement early support prior to children starting school, thus allowing a smooth transition with identified support in place for children who through the school admission process move through to Year R.
24. The school is responsible for meeting all the regulatory requirements of the Statutory Framework for the Early Years Foundation Stage and any subsequent OFSTED inspection.

Consultation and Equalities

25. On 6 August 2021, the Executive Lead Member for Children's Services approved a statutory four week public consultation in respect of this proposal.
26. As part of the consultation process, the school published a "statement of intent" publicising a consultation drop-in session on 13 September. This statement went out to all the parents of the infant and junior schools. The

headteacher also spoke to the three local preschools and the full day nursery in North Baddesley.

27. There were three attendees to the drop-in consultation event, one of whom was representing a local preschool, one representing the junior school and one a prospective parent. At the drop-in session the results of the school's own market research survey were made available, and this outlined 52.9% of the respondents (34) were interested in taking up a place, with 23.5% as a maybe and 23.5% saying no. 34.5% of the respondents were interested in the full 8am to 6pm offer proposed.
28. During the statutory consultation there have been three respondents indicating objection to the proposal, one of whom is representing Holly Tree Preschool. The objections (summarised in Appendix 1 of this report) were concerned with the anticipated start for the nursery; concerns of increase footfall and traffic; queries regarding the accuracy of forecast numbers of children and concern that there was reliance on a housing development in the Hoe Lane area that had not yet started; suitability of the multipurpose building for early years and access to outdoor space. The school has reviewed all objections and provided approaches and resolutions to address.
29. An Equalities Impact Assessment is attached to this report (Appendix 3). The proposal will provide inclusive access to early years education and therefore has a positive impact.

Conclusion

30. The North Baddesley Infant School proposal to open a new early years provision supports the growth of child population in the ward over a six year period and supports potential growth in demand for services. The school's previous approach in offering the facility to the open market was not successful. The school now wish to manage this directly to provide teacher led early years' service. As the school is a local authority community school, the local authority was required to approve a statutory consultation and Public Notice to be undertaken before any decision can be confirmed.
31. There were three submitted objections. All have been considered. The main objection was concerning that new provision commencing prior to the housing and it is concluded that whilst the school will have the capacity to develop up to 40 places aged 2 to 4 years, the school has confirmed they will start provision of 24 places and will only change this subject to local demand.

Recommendation

- 35 The County Council supports the North Baddesley Infant School's proposal to deliver and manage early years provision for children aged 2 years to 4 years which will help support the assessed growth in places to meet the County Council's childcare sufficiency statutory duty.

36 North Baddesley Infant School limits its size of provision to 24 and seeks permission from the council prior to enlarging beyond 24 to 40 places.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	Yes

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
DCS and Executive Member		6 August 2021
Direct links to specific legislation or Government Directives		
<u>Title</u> <i>The Making Significant Changes ('prescribed alterations') to Maintained Schools (publishing.service.gov.uk)</i>		<u>Date</u> October 2018

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

- **Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- **Equalities Impact Assessment:**

Equality and diversity objectives will be considered on an individual project basis by conducting Equality Impact Assessments and are not considered at this stage or within this report.

Appendix 1

RESPONSES TO THE CONSULTATION AND OBJECTIONS RAISED AND RESOLUTION.

Date Received	Comment Author	Nature of Comment	Response Date	Response	Response Detail
04/09/2021	Respondent 1	Request copy of the complete proposal	10/09/2021	Sent a copy of the full proposal	No further response needed
05/09/2021	Respondent 2	Request copy of the complete proposal	10/09/2021	Sent a copy of the full proposal	See below
07/09/2021	Respondent 3	Request copy of the complete proposal & Question	10/09/2021	Sent a copy of the full proposal	See below
09/09/2021	Respondent 2	Chasing up a copy of the complete proposal	10/09/2021	Sent a copy of the full proposal	No further response needed
14/09/2021	Respondent 4	Comment on impact of proposal on local EY settings	22/09/2021	HT drafted response sent from SDT Inbox	No further response needed.
28/09/2021	Respondent 3	Objection to proposal	(29/09/21)	Acknowledgement Only	HCC Letter sent 6/10/2021 ref to Para 33 in this report.
30/09/2021	Respondent 1	Local traffic / outdoor access / need for local EY places	(01/10/21)	Acknowledgement Only	HCC Letter sent 6/10/2021 ref to Para 33 in this report.
01/10/2021	Respondent 5	Objection to proposal as Chair at Hollytree Pre School	(01/10/21)	Acknowledgement Only	HCC Letter sent 6/10/2021 ref to Para 33 in this report.
01/10/2021	Respondent 5	Objection to proposal as private member of the public	(01/10/21)	Acknowledgement Only	HCC Letter sent 6/10/2021 ref to Para 33 in this report.

05/10/2021	Respondent 6	Potential for local preschool closures and traffic in roads around the school		**Comment submitted outside consultation period**	HCC Letter sent 6/10/2021 ref to Para 3 in this report.
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All respondents to the consultation have received an acknowledgement and a detailed reply to responding to the issues raised. Below is a table summarising the objection and response made.

Summary of Objections	Summary Response
Concern of starting in January 2022 at the school site.	<p>Starting with 24 places only. Highlighted 28% of children coming into Year R having extended entitlement therefore outlining a need for early years to support working families.</p>
Accuracy of the forecast child population and reliance on new Housing not yet started.	<p>Confirmed that the age four had not been adjusted for Year R starts and reviewed the data.</p> <p>Confirmed revised number of places needed in the locality of 42 for the period 2020 to 2023. Confirmed by further review of the population and take up data for North Baddesley; making an adjustment to take account of 4 year olds in Year R from 2022; adjusted to take account of population not in provision at age three; and take up for twos This outlined: for 2020 – 2023 additional places: Parental fee funded 2 year olds and fund 2 year olds = 10 children; Population growth for three and four year olds = 22 children; three year olds not currently taking up childcare 10.</p> <p>Confirmed that 40% of children from North Baddesley take up provision outside of the area in New Forest, Eastleigh, Winchester and Fareham and outlined those neighbouring areas also have growth need and the proposal supports the wider child market and provide more local choice to reduce travel.</p> <p>Test Valley Borough Council have confirmed first occupations of the Hoe Lane Development are proposed to be mid-2022.</p>
Suitability of Multipurpose Building for early years especially regarding toileting and free flow	School have measured the building in accordance with Early Years Foundation Stage Statutory Framework (EYFS) and the size allows for up to 40 places for children 2 years to 4 years. The statutory EYFS states a separate sleeping area for children aged 2 years and over is not required. The school have

access to outdoors, and concerns for shared use.	<p>confirmed they will be providing a soft furnished quiet area for rest periods.</p> <p>School has confirmed there is extensive outdoor areas at the school that fencing directly outside of multipurpose building will not impact the rest of the school.</p> <p>Prior to operating the school will have fenced off an area directly outside of the multipurpose building that is accessible from the proposed early years delivery space that will provide free flow to the outdoors.</p> <p>The school have confirmed they will be purchasing additional changing stations for the use of the preschool rooms to provide additional amenities to the two plus one accessible toilet already available in the multipurpose building.</p> <p>School has confirmed that it has flexibility in how it uses the whole site and has contingency plans for how the out of school breakfast and afterschool club can be operated when the preschool is in session.</p>
Increased footfall and traffic to the site.	The school has confirmed a revised traffic management plan which addresses potential foot fall which will be managed through a staggered start and finish times approach and shared travel arrangements for families with children attend school.

Appendix 2 – Public Notice



NORTH BADDESLEY INFANT SCHOOL, TEST VALLEY - REDUCTION IN AGE RANGE

1. Notice is hereby given in accordance with Section 19(1) of the Education and Inspections Act 2006, that Hampshire County Council intends to make a prescribed alteration to NORTH BADDESLEY INFANT SCHOOL, Botley Road, North Baddesley, Southampton, SO52 9EE (category of school – Community) with effect from 1 January 2022.
2. The PAN for the school is currently 90. It is proposed that the age range for the school is lowered to enable nursery children aged from 2 years to attend. The governing body of the school is seeking to lower the school age range to 2-year-olds and directly manage a new early years' facility as part of the school. Children attending the nursery will still be required to apply for their place in Year R through the usual admission arrangements.
3. The current capacity of the school is 270 and will be unaffected by the proposal. The current number of pupils registered at the school is 250. The current admission number for the school is 90 and is not affected by the school taking on the nursery which will be a separate capacity of 40 on the implementation of this proposal. There are no costs associated with this proposal.
4. Notice is an extract from the complete proposal. Copies of the complete proposal may be obtained from Martin Shefferd, Strategic Development Officer, Children's Services Department, Ell Court North, Winchester, Hampshire SO23 8UG; telephone 0370 779 4892; e-mail: strategicplanningunit@hants.gov.uk
5. Within four weeks from the date of publication of these proposals, any person may object or make comments on the proposal by sending them to Martin Shefferd, Strategic Development Officer, Children's Services Department, Ell Court North, Winchester, Hampshire SO23 8UG; telephone 0370 779 4892; e-mail: strategicplanningunit@hants.gov.uk

Dated: 3 September 2021

Carolyn Williamson
Chief Executive

Appendix 3

<https://www.hants.gov.uk/aboutthecouncil/equality/equality-impact-assessment/children-services>