

Executive Decision Making by an Officer with Delegated Powers

Decision to be taken by: Kirsten Harrison, Director of Education

Pursuant to an Authorisation from the Cabinet Member for Education, Skills and Bus Transport (06/06/2024): Proposal to extend the age range of Bromsberrow St Mary's C of E Primary School from 4-11 years to 2-11 years from 1st September 2024

Report title: Proposal to permanently extend the age range of Bromsberrow St Mary's C of E Primary School from 4-11 to 2-11 years

The decision	<p>Having consulted with the Cabinet Member for Education, Skills and Bus Transport in accordance with the Cabinet Member decision on the 6th June 2024.</p> <p>Decision:</p> <p>To permanently extend the age range of Bromsberrow St Mary's C of E Primary School from 4-11 to 2-11 with effect from the 1st September 2024 subject to the school converting to academy status on the Conversion Date set out in the Academy Order.</p>
Background documents	<p>Cabinet Member for Education, Skills and Bus Transport decision dated 6th June 2024 available:</p> <p>Decision - Proposal to extend the age range of Bromsberrow St Mary's C of E Primary School from 4-11 years to 2-11 years from 1st September 2024 (gloucestershire.gov.uk)</p> <p>Academy Order</p>
Reasons for the decision	<p>Following discussions with the Head Teacher and Governors, the Cabinet Member for Education, Skills and Bus Transport agreed with the request of the Regional Schools Commissioner (RSC) at the Department for Education to publish a Statutory Notice on extending the age range at Bromsberrow St Mary's C of E Primary School from 4-11 to 2-11. This will allow the school to meet the requirements of converting to an Academy by ensuring that the Nursery can be transferred as part of the school.</p>
Resource implications	<p>No resource implications have been identified other than Officer time and the cost of publicising details of the proposed change, in accordance with the statutory process. Officers will monitor this with colleagues in other teams to ensure that this remains the case.</p>
Who has been consulted?	<ul style="list-style-type: none">▪ Cllr Philip Robinson, the Cabinet Member for Education, Skills and Bus Transport▪ Public Statutory Consultation undertaken regarding the proposed increase in the age range of the school

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What were their comments?

A Statutory Notice of the proposal to extend the age range of the school was issued on 20th June 2024 and was displayed in prominent positions at the school and published in the local press.

The school provided parents with the details of the notice and provided the information how to give feedback. Respondents were able to give their views in a number of different ways, including via email to a named officer and a postal address.

There were no materially significant representations made to the proposed changes to the age range of the school.

Cllr Robinson stated: 'The results of the consultation did not highlight any materially significant issues therefore I support the decision to extend the age range at the school. This will allow them to meet the requirements of converting to an Academy by ensuring that the Nursery can be transferred as part of the school.'

Background/Context

1. The current status of Bromsberrow St Mary's C of E Primary School is Voluntary Aided and is in the process of converting to an academy. The school caters for children aged 4-11 and the school already have a Nursery within the school. However, pupils at the Nursery are not currently on the school roll. The Regional Schools Commissioner (RSC) approached the County Council requesting the Council to exercise its statutory powers to extend the age range of the school as part of the conversion to academy status. The extension of the age range will enable the nursery to be integrated within the school as part of the academy conversion.
2. On the 6th June 2024, the Cabinet Member for Education, Skills and Bus Transport took a decision to undertake a formal statutory consultation on the proposal to extend the age range of the School from 4-11 to 2-11.
3. A Statutory Notice of the proposal to extend the age range of the school was issued on the 20th June 2024 and was displayed in prominent positions at the school and published in the local press. The school provided parents with the details of the notice and provided information about how to give feedback. Respondents were able to give their views in a number of different ways, including via email to a named officer and a postal address.
4. There were no materially significant representations made to the proposed change to the age range of the school. Therefore, the Director of Education agrees that the decision to permanently extend the age range of the school should proceed with effect from 1st September 2024. The decision will be subject to the school converting to an Academy on the conversion date, which will be the date the school opens as an

Academy as set out in the Department for Education's Academy Order for the school made under the Academies Act 2010.

Alternative options considered and why they were rejected

Alternative options considered in relation to this decision and why they were rejected – not those considered as part of the previous Cabinet/Cabinet Member decision, if applicable.

The two options open to the Council are either to extend the age range of the school or not to proceed to do so. The preferred option is to proceed to extend the age range of the school to enable the Nursery to transfer with the school on conversion to an academy and maintain nursery provision at the school.

The proposed extension of the age range at the school will not proceed if the school do not convert to an academy. This will mean that the school will remain a Voluntary Aided School and the governing body will continue to maintain nursery provision at the school albeit with the pupils remaining outside the school roll.

Risk Analysis

The guidance confirms that there is no statutory requirement to undertake a 'pre-publication' consultation period for prescribed alteration changes, although there is strong expectation that schools and LAs will consult with interested parties in developing their proposal prior to publication. On this occasion the County Council has had regard to this guidance and has consulted on the proposed changes and considers that it is reasonable to proceed following the conclusion of the consultation. However, this may create a low risk of legal challenge considering the following mitigating factors:

- there is no change to the provision of early years education at the school due to extending the age range on the school converting to an academy.
- the approach will enable the smooth transition of the school to academy status in a timely manner to allow the nursery to be integrated within the school rather than remain a separate entity and
- the Department for Education have confirmed their support to proceed directly to undertake the formal statutory consultation period for the proposed age range extension. Their view is that it will benefit the school, pupils and Governors to complete the statutory process as quickly as possible and enable it to convert to academy status.

<p>Equalities considerations</p> <p>An Equality Impact Assessment has been produced. The proposal does not discriminate against any of the protected groups and actively seeks to improve outcomes for children.</p> <p>The Director of Education should read and consider the Equalities Impact Assessment to satisfy themselves as the decision maker that due regard has been given.</p>	
<p>Has an Equality Impact Assessment been completed? Yes</p> <p><i>If 'Yes', please see attached the signed Equality Impact Assessment.</i></p>	
<p>Has any conflict of interest been declared by any Cabinet Member consulted on the decision?</p> <p><i>The council's Monitoring Officer should be consulted, in the first instance, if any conflict of interest is declared by a Cabinet Member.</i></p> <p>If any conflict of interest declared, was a dispensation granted by the Audit and Governance Committee of the Council?</p>	<p>No</p> <p>Date of dispensation:</p>
<p>Does this decision report form or any supporting papers provided contain confidential or exempt information?</p> <p><i>(Refer to Democratic Services Unit for advice if necessary)</i></p>	<p>No</p> <p><i>If Yes, please provide details of document(s) that are confidential or exempt</i></p>
<p>Does this decision need to be published on the GCC website?</p> <p><i>(Refer to guidance on "Executive Decisions taken by Officers").</i></p>	<p>Yes</p>

In coming to this decision I have given due and full regard to the requirements of the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 (“the Act”) by reference to the law itself and also the relevant Equality Impact Assessment, which was prepared in accordance with the requirements of the Act.

Having fully considered all available information, I have decided to reject any alternative options and take the recommended decision(s), for the reasons set out in this report.



Signed

Name Kirsten Harrison

Title Director of Education

Date 23.7.24

Contact details for further information:

Officer: Tracy Eales

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Equality Impact Assessment (EqIA)

The Equality Act 2010 introduced the Public Sector Equality Duty which states that a public authority must, in the exercise of its functions, have due regard to the need to:

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

This document demonstrates how the Council is meeting the Public Sector Equality Duty by setting out the findings of an equality analysis that has been undertaken in relation to a proposed change to assess whether it has a disproportionate impact on people who share a protected characteristic. The Council's Equality Impact Assessment (EqIA) process covers additional groups not 'protected' by section 149 of the Equality Act 2010, including care leavers and care experienced adults.

1. Background

Directorate	Bromsberrow St Mary's Primary School
Service area	Childrens' Services
Title of the proposed change being assessed i.e. the policy, service or other development	To permanently extend the age range of the school from 4-11 to 2-11

Describe the purpose of the proposed change and the intended outcomes
<p>The Council has undertaken a consultation to extend the age range at Bromsberrow St Mary's C of E Primary School from 1st September 2024. GCC has a statutory duty to ensure that it discharges all legal obligations. In order for this to happen, the Nursery also needs to transfer to the Academy Trust, along with the school however the current age range listed by DfE would not allow this to happen. By extending the official age range, the Local Authority would be able to meet its statutory and legal obligations.</p> <p>No materially significant representations were received.</p>

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Who is affected by the proposals?

Service users:	Yes
Wider community:	Yes
Workforce:	Yes
Other (please specify):	

Decision to be taken and decision maker	That the Director of Education approves the proposal to permanently extend the age range of Bromsberrow St Mary's C of E Primary School from 4-11 to 2-11 from 1 st September 2024.
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Person(s) responsible for completing this assessment	Tracy Eales Education Planning Manager
Date of this assessment	July 2024

2. Information and Data Collection

Summarise how you have collected the information and data required to assess the current situation (section 3.1 below) and the potential or actual impact of the proposed change (section 3.2 below) on those who share the protected characteristics and the additional groups (e.g. survey of services users, running community focus groups, analysing service usage data, engaging with staff networks). The actual information and data should be set out in Appendix 1 (Service Users) and Appendix 2 (GCC staff).

If there are any gaps, include an action in section 4 to fill these. This does not mean that you cannot complete the equality impact assessment, but you need to follow-up the action and revisit as part of the monitoring and review arrangements set out in section 5.

Stakeholders	Engagement and Consultation	Other Sources
Service Users / Wider Community	All service users received a copy of the consultation information and were invited to comment. The consultation was advertised via media outlets for the wider community and in the school newsletter, on notice boards and at all entrances to the school. Children were also encouraged to provide feedback where possible. Respondents were given a number of ways to communicate their opinions with us such as email or by writing to a named officer.	

Workforce	The headteacher and Governors shared the information to the staff at the school and Nursery.	
Partners	Local schools, colleagues in GCC and key partners were invited to comment.	
Other		

3. Equality Assessment

Indicate the impact on each group and explain how you have reached your conclusions (i.e. through analysis of the information and data that was collected through the engagement, consultation and other sources / methods that were set out in section 2).

Consider sub-categories (e.g. different kinds of disabilities) and how the groups are interconnected (e.g. young women) resulting in particular needs or types of disadvantage and discrimination (sometimes known as intersectional or combined discrimination).

3.1 – Status Quo

If the proposal involves changing an existing activity (e.g. policy, service), summarise the key findings from your assessment of the current situation for each of the groups below. If the proposal is completely new, then move straight to section 3.2.

	Service Users	Gloucestershire County Council (GCC) Staff
Protected Characteristics (Equality Act 2010)	N/A	N/A
Additional Groups (including care leavers / care experienced adults)	N/A	N/A

3.2 – The Proposed Change

Summarise your assessment of the likely or actual impact of the proposed change on each of the groups. If an action is required, this should be recorded in Section 4.

Service Users						
Protected Characteristics / Additional Groups	Positive Impact	Neutral Impact	Negative Impact	Not Sure	Summary of Impact	Action Required (Y/N)?

Age	<input checked="" type="checkbox"/>				If agreed the proposal will enable the nursery to be integrated as part of the academy conversion process to avoid them remaining a separate entity from the school and enable the nursery to continue.	N
Disability		<input checked="" type="checkbox"/>			Based on our initial assessment, no identified significant impact.	N
Sex		<input checked="" type="checkbox"/>				
Race		<input checked="" type="checkbox"/>				
Gender reassignment		<input checked="" type="checkbox"/>				
Pregnancy & maternity		<input checked="" type="checkbox"/>				
Religion and/or belief		<input checked="" type="checkbox"/>				
Sexual orientation		<input checked="" type="checkbox"/>				
Marriage & civil partnership		<input checked="" type="checkbox"/>				
Armed Forces community		<input checked="" type="checkbox"/>				
Carers		<input checked="" type="checkbox"/>				
Care leavers / care experienced adults		<input checked="" type="checkbox"/>				
Digital exclusion		<input checked="" type="checkbox"/>				
Geography, for example, urban and rural areas		<input checked="" type="checkbox"/>				

Socio-economic disadvantage		<input checked="" type="checkbox"/>				
Vulnerable groups of society		<input checked="" type="checkbox"/>				
Interconnected Characteristics / Groups	Positive Impact	Neutral Impact	Negative Impact	Not Sure	Summary of Impact	Action Required (Y/N)?

Gloucestershire County Council Staff

Protected Characteristics / Additional Groups	Positive Impact	Neutral Impact	Negative Impact	Not Sure	Summary of Impact	Action Required (Y/N)?
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Age	<input checked="" type="checkbox"/>				If agreed the proposal will enable the nursery to be integrated as part of the academy conversion process to avoid them remaining a separate entity from the school and enable the nursery to continue.	N
Disability		<input checked="" type="checkbox"/>			Based on our initial assessment, no identified significant impact.	N
Sex		<input checked="" type="checkbox"/>				
Race		<input checked="" type="checkbox"/>				
Gender reassignment		<input checked="" type="checkbox"/>				
Pregnancy & maternity		<input checked="" type="checkbox"/>				
Religion and/or belief		<input checked="" type="checkbox"/>				
Sexual orientation		<input checked="" type="checkbox"/>				
Marriage & civil partnership		<input checked="" type="checkbox"/>				
Armed Forces community		<input checked="" type="checkbox"/>				
Carers		<input checked="" type="checkbox"/>				
Care leavers / care experienced adults		<input checked="" type="checkbox"/>				
Digital exclusion		<input checked="" type="checkbox"/>				
Geography, for example, urban and rural areas		<input checked="" type="checkbox"/>				

Socio-economic disadvantage		<input checked="" type="checkbox"/>				
Vulnerable groups of society		<input checked="" type="checkbox"/>				
Interconnected Characteristics / Groups	Positive Impact	Neutral Impact	Negative Impact	Not Sure	Summary of Impact	Action Required (Y/N)?

4. Action Plan

Set out the key actions that will be undertaken, following the equality assessment in section 3, to further maximise the positive impact or mitigate the negative impact of the proposal on the protected characteristics and additional groups prior to implementation (any negative consequences should be eliminated, minimised or counter-balanced by other measures):

Identified Potential or Actual Impact	Recommended Action(s)	Owner	Target Completion Date

Positive	Work with the School to ensure that clear communication with the varied ethnicities at the school takes place. This may mean providing information in a number of different languages.	GCC	August 2024
Positive	To permanently extend the age range of Bromsberrow St Mary's Primary School from 4-11 to 2-11 from 1 st September 2024 to facilitate the conversion of the School to an Academy.	GCC	September 2024
Positive	Discharging GCC's statutory responsibilities to assist in the conversion of the School to Academy status.	GCC	September 2024

5. Monitoring and Review

Public bodies must have regard to the aims of the duty not only when a policy, service or development is being created and decided upon, but also when it is implemented and at regular intervals thereafter. The Equality Duty is a continuing duty.

Lead officer(s):	To be kept under review by the Head of Service for Education Planning and Infrastructure
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Part 1 – Initial arrangements (up to around six months following implementation)


Date of the post implementation review:	March 2024
Approach to <u>measuring the impact</u> of the change to enable a <u>comparison</u> between the <u>anticipated impact</u> (as set out in section 3) with the <u>actual impact</u> : <ul style="list-style-type: none">▪ What mechanisms will be used?▪ How will service users / the wider community / GCC staff and other stakeholders be involved?	It will be requested that the Academy Trust undertake a review to ascertain the impact of integrating the nursery into the academy.


Part 2 – Ongoing arrangements (from around six months onwards)

Frequency of monitoring and review:	Future monitoring will be the responsibility of the Academy Trust.
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<p>What mechanisms will be used?</p> <p>How will service users / the wider community / GCC staff and other stakeholders be involved?</p>	
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6. Approval

Signature of Senior Officer	
Name of Senior Officer	Ann James
Date	23.7.24

Signature of Decision Maker	
Name of Decision Maker	Kirsten Harrison
Date	23.7.24

Appendix 1 – Service User Data and Information

Details of service users affected by the proposed activity:

Groups	Service User Data and Information	
Age	Percentage of pupils in each year group Reception 13.8% Year 1 10.3% Year 2 15.5% Year 3 20.7% Year 4 10.3% Year 5 13.8% Year 6 15.5%	
Disability	Pupils with EHCP Pupils with SEN support	less than 5% 17.2%
Sex	Male 55.2% Female 44.8%	
Race	White British 62.1% Other White (None British) 19.0% Asian less than 5% Unclassified 17.2%	
Gender reassignment	We do not hold any data regarding the number of children and young people at the school with this protected characteristic.	
Pregnancy & maternity		
Religion and/or belief		

Sexual orientation	
Marriage & civil partnership	Not applicable to this group of service users.
Armed Forces community	We do not hold any data regarding the number of children and young people at the school with this protected characteristic.
Carers	
Care leavers / care experienced adults	0
Digital exclusion	We do not hold any data regarding the number of children and young people at the school with this protected characteristic.
Geography, for example, urban and rural areas	
Socio-economic disadvantage	
Vulnerable groups of society	

Appendix 2 – Gloucestershire County Council Staff Data and Information

Details of GCC staff affected by the proposed activity:

Groups	GCC Workforce Data and Information	
Age	20-29	20%
	30-39	13.33%
	40-49	26.67%
	50-59	13.33%
	60-69	26.67%
Disability	Disabled	0%

	Not Disabled 86.67% Unstated 13.33%
Sex	Male 13.33% Female 86.67%
Race	Mixed 6.7% White 93.33%
Gender reassignment	We do not hold any data regarding the number of staff members at the school with this protected characteristic.
Marriage & civil partnership	
Pregnancy & maternity	No members of staff recorded as being on maternity leave
Religion and/or belief	We do not hold any data regarding the number of staff members at the school with this protected characteristic.
Sexual orientation	
Armed Forces community	
Carers	
Care leavers / care experienced adults	
Digital exclusion	
Geography, for example, urban and rural areas	
Socio-economic disadvantage	
Vulnerable groups of society	

