

EXECUTIVE DECISION

From: Rory Love, Cabinet Member for Education and Skills

Sarah Hammond, Corporate Director of Children, Young People and Education

To: Children's, Young People and Education Cabinet Committee –
21 November 2024

Subject: Proposal to change the age range of Westmeads Infant School, Whitstable, from 4-7 years to 2-7 years.

Decision no: 24/00098

Key Decision : No

Classification: *Unrestricted*

Past Pathway of report: *N/A*

Future Pathway of report: Cabinet Member Decision

Electoral Division: Whitstable West – Mark Dance

Is the decision eligible for call-in? Yes

Summary: This report outlines the proposal to permanently expand the age-range of the Westmeads Infant School in Whitstable from 4-7 years to 2-7 years to establish a school run nurse provision.

Recommendation(s):

The Children's, Young People and Education Cabinet Committee is asked to CONSIDER and ENDORSE, or MAKE RECOMMENDATIONS to the Cabinet Member for Education and Skills on the proposals as set out in the PROD.

1. Introduction

- 1.1 This proposal to lower the age range of Westmeads Infant School, Whitstable will create additional nursery places for two, three and four year olds and will help to meet the need for nursery places in the area and the commitment to development of 2,741 early years places in Kent to meet the demand of the new Government entitlements.

2. Key Considerations

- 2.1 In Spring 2023, the Government announced its ambition of extending the free entitlements to younger children in three phases. Phase one implemented in April 2024, saw children of working parents entitled to 15 hours of funding the term after they turned two. In September 2024 phase two extended this offer to working parents of those children aged 9 months plus and then in September 2025, phase three will see the working parent entitlement extending to 30 hours for all eligible children.
- 2.2 To support the delivery of this project the government has made available £100m of capital funding for local authorities through the Childcare Expansion Capital Grant of which Kent has been awarded £2,658,723, 20% to support the schools wraparound programme and 80% for the development of 2,741 early years places to meet the demand of the new entitlements.

3. Background

- 3.1 The County Council's Commissioning Plan for Education Provision in Kent 2024 to 2028 is a five-year rolling plan which is updated annually. It sets out KCC's future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent. It also set out how we will carry out our responsibility for early education and childcare. Early Education and Childcare is legislatively governed by the Childcare Acts of 2006 and 2016. These place a duty on all local authorities to improve outcomes for young children, to cut inequalities between them, to secure sufficient childcare, with adequate flexibility to allow parents to work.

4. The Proposal

- 4.1 Westmeads Infant School currently provides early years education for children who turn five when in the Reception class. The school have proposed to lower the age range from 4-7 to 2-7 years to provide nursery provision at the school. The provision would admit 26, 3-4 year olds and 13 2 year olds.
- 4.2 The proposed nursery provision at Westmeads will be to open an 'open air', outdoor, 'all weather' nursery provision for 2-4 year olds. A purpose built building/cabin will be constructed and which will incorporate a larger outdoor provision adjacent to the building on the school site. All relevant planning requirements will be sought to construct the cabin by the school.
- 4.3 The Local Authority is confident that the strong and effective leadership of the school has the capacity to establish a successful nursery provision, so that there will be additional pre-school places available for local families
- 4.4 Kent County Council and Westmeads Infant School conducted an informal education public consultation from 4 September to 2 October 2024 and consulted with stakeholders.. A total of 12 responses were received and 10 were supportive of the proposal. The outcome analysis of the consultation can be found in Appendix 1.

4.5 The KCC member for Whistable West was consulted during the consultation period and is supportive of the proposal.

5. Securing Kent's Future and Framing Kent's Future

5.1 The 'Securing Kent's Future' strategy outlines the measures that KCC intend to take to ensure that Kent remains financially stable, now and long into the future. It describes the statutory priorities, one of which being the statutory duty to ensure sufficient school places are available to any child or young person who requires one. This duty applies to Special Educational Needs (SEN) provision, as well as mainstream settings.

5.2 This proposal is necessary for KCC to continue to deliver the statutory duty, in a cost-effective way, in line with the guidelines described in the Securing Kent's Future strategy. It will help to maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families.

5.3 This proposal will help to support Framing Kent's Future – Our Council Strategy (2022-2026) Priority 1 - Levelling up. 'To maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families.'

6. Financial Implications

6.1 Capital

The Council has been provided with a total £2.4m capital funding to support the expansion of early years providers to delivery sufficient nursery places for children aged over 9 months. The Education Programme is administering the applications of capital funding by providers in accordance with key decision [24/00016 - Funding Process for Free Entitlements Capital Funding and Wraparound Provision Capital and Programme Funding](#). The school will be applying for capital funding through the Childcare Expansion Capital Grant for £10,000. In addition, the school is budgeting to contribute £80,000 capital to fund the additional wooden log cabin building specifically for the nursery provision.

6.2 Revenue

The school will be responsible for establishing the nursery and responsible for all revenue costs associated with the running of the provision. The school will be responsible for appointing staff as required. The school will receive income for nursery places either from parental contributions or funding for the provision of free entitlements to eligible children (administered by KCC and fully funded by an external grant from the Department of Education).

7. Legal implications

7.1 KCC, as the Local Authority (LA), has a statutory duty to ensure sufficient school places are available. This duty applies to Special Educational Needs (SEN) provision, as well as mainstream settings. The County Council's Commissioning Plan for Education Provision in Kent 2024 - 28 is a five-year rolling plan which is updated annually. It sets out KCC's future plans as

Strategic Commissioner of Education Provision across all types and phases of education in Kent including Early Years provision.

7.2 Statutory Guidance on changing of age range of a maintained school can be found in the 'Making significant changes ('prescribed alterations') to maintained schools Statutory guidance for proposers and decision makers October 2024' This guidance primarily relates to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

7.3 A statutory process is required to lower the age range, which consists of an initial informal consultation period of 4 weeks. Any objections will be considered by the Cabinet Member in advance of taking a decision to issue the Public Notice. Should significant objections, not already considered by the Cabinet Member when taking this decision, be received during the notice period, a separate decision may be required dependent on the level of modification required in order to continue the proposal and allow for proper consideration of the points raised.

8. Equalities implications

8.1 An Equality Impact Assessment has been completed that indicates that there are no issues.

9. Data Protection Implications

9.1 There are no data protection implications for this proposal

10. Other corporate implications

10.1 There are no other corporate implications identified for this proposal.

11. Governance

11.1 Once a key decision is made, Kent County Council's Constitution (Section 10, Executive Scheme of Officer Delegation), provides a clear and appropriate link between this decision and the actions required to implement it.

11.2 The statutory process for making prescribed alterations to schools has 5 stages

1. Publication – Public notice issued for 4 weeks
2. Representation – in the 4 week public notice period any person or organisation can submit comments on the proposal to the local authority to be taken into account by the decision maker.
3. Decision – The decision must be made within 2 months of the end of the representation period. The decision maker can
 - reject the proposal;
 - approve the proposal without modification;
 - approve the proposal with modification
 - approve the proposal, with or without modifications subject to certain conditions (such as the granting of planning permission) being met.

4. Referral - For the change of age range proposal, the Diocesan Bodies or the Governing Body may refer the decision to the School's Adjudicator, within 4 weeks of the decision being made.
5. Implementation - A proposal must be implemented in the form that it was approved, including any modifications made by the decision maker.

12. Conclusions

12.1 This proposal will ensure that there are sufficient nursery places for children in Whistable and additional choice for parents and families. It will help to meet the commitment to the development of 2,741 early years places to meet the demand of the new entitlements.

Recommendation(s):

The Children's, Young People and Education Cabinet Committee is asked to CONSIDER and ENDORSE, or MAKE RECOMMENDATIONS to the Cabinet Member for Education and Skills on the proposals as set out in the PROD.

13. Background Documents

- 13.1 Consultation [School consultations and public notices | Let's talk Kent](#)
- 13.2 Equality Impact Assessment (available on the consultation website)
- 13.3 Making significant changes ('prescribed alterations') to maintained schools Statutory guidance for proposers and decision makers October 2024. [School organisation: local-authority-maintained schools - GOV.UK \(www.gov.uk\)](#)
- 13.4 Kent Commissioning Plan 2024 to 2028 [Commissioning Plan for Education Provision - Kent County Council](#)

14. Appendices

- 14.1 Appendix 1 - Consultation Outcome Report

15. Contact details

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