



Office of  
the Schools  
Adjudicator

## Determination

**Case reference: STP644**

**Proposer: Central Bedfordshire Council to alter the lower age of Flitwick Lower School from 4 to 2 from 1 September 2020**

**Referred by: Central Bedfordshire Council**

**Date of decision: 12 June 2020**

## Determination

**Under the powers conferred on me by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 made under section 21 of The Education and Inspections Act 2006 I have considered the proposal to alter the lower age range of Flitwick Lower School from 4 to 2 from 1 September 2020. I approve the proposal.**

## The proposal

1. On 20 January 2020 Central Bedfordshire Council (the local authority) published a statutory notice proposing to alter the lower age range of Flitwick Lower School (the school) from 4 to 2 from September 2020.

## Jurisdiction

2. The proposal was published under section 19 of the Education and Inspections Act 2006 (the Act) on 20 January 2020. Paragraph 2 of Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Regulations) allows four weeks (the representation period) for any person to send the local authority any objections or comments on the proposal. Paragraph 3 of Schedule 3 to the Regulations makes the local authority the decision maker for this proposal.

3. Paragraph 5 of Schedule 3 to the Regulations requires that if the local authority does not determine the proposal within two months of the end of the representation period, which

was by 17 April 2020, it must refer the decision to the adjudicator. The local authority had planned to take the decision on the proposal at a meeting on 6 April; however, because of the COVID-19 pandemic that meeting had to be cancelled and the local authority did not take the decision within the required period. The proposal was referred to me on 18 May 2020.

4. I am satisfied that I have jurisdiction to determine this proposal.

## Procedure

5. In considering this matter I have had regard to all relevant legislation.

6. The documents I have considered in reaching my decision include:

- a) the statutory notice dated 20 January 2020;
- b) evidence that the notice was published on the local authority's website and in a local newspaper;
- c) comments received during the representation period; and
- d) Department for Education (DfE) statutory guidance (the guidance) on making prescribed alterations to maintained schools for proposers and decision makers dated October 2018.

## Background

7. Flitwick is about 5 miles north of junction 12 on the M1. The school is one of three lower schools in Flitwick which are part of a three-tier school system with transfer to a middle school at age 9 and to a high school at age 13. The DfE database shows that the age range of the school is 4 to 9. There is an independent pre-school in separate accommodation on the school's site called Busy Bees.

8. The management committee for Busy Bees approached the governing board of the school to investigate a possible merger. These two bodies launched a consultation on 7 October 2019, taking views from parents, staff, other schools, pre-schools and nurseries in the area and the wider public. They held two drop-in meetings and had 81 written responses, 79 of which supported the suggested merger.

9. I have noted that, according to the DfE database, the other two lower schools in Flitwick have age ranges starting at 2 and 3.

## Consideration of factors

10. I am satisfied that the local authority followed the correct procedures and was only prevented from determining this proposal itself by the measures introduced to combat the COVID-19 pandemic. I have noted the support expressed by the local authority's Executive

Member for Families, Education and Children on 20 May 2020, when they ‘approved’ the proposal “*subject to the response from the Department for Education or the Schools Adjudicator.*” I need to point out that this decision has no standing and that the local authority is required to implement any decision I make on this matter. I am required by the Act to consider the proposal on its merits and in doing so to take account of the statutory guidance and of any representations which have been made. There is no role for the DfE and adjudicators are independent of the DfE. I will set out my consideration of the proposal under the relevant headings in the guidance.

#### Education standards and diversity of provision

11. Both the school and Busy Bees are considered by the Office for Standards in Education (Ofsted) to be “*Good*”. The proposal says that the staff at Busy Bees would be employed “*by the school*”. This is incorrect; the school is a community school and as such staff at the school are employed by the local authority. However, the effect is the same in that the expertise of pre-school staff will continue to be available to the children and it is the case that the staff will work under the leadership of the school’s headteacher and governing board.

12. The proposal states that because the administration of Busy Bees will be taken over by the school’s administration staff it will allow the pre-school manager to concentrate on teaching and learning. Other advantages identified in the proposal are opportunities for younger children to use the school’s facilities, closer working relationships between staff across the age groups and early access and intervention for children with special needs.

13. The proposal does not change the number of places at the school in Year R to Year 4, nor does it change the admission arrangements for those children. The proposal makes it clear that admission to the pre-school would not guarantee admission to Year R at the school. The proposal does not appear to pose any threat to other pre-school, or school provision in the area and there has been ample opportunity for other settings to register any concern they might have had on this point.

14. This proposal appears to me to secure and enhance pre-school provision in the area.

#### Equal opportunities issues

15. I can see no detriment to people with protected characteristics from this proposal. There is the possibility that children with special needs at the pre-school may benefit from enhanced transition arrangements into Year R if they secure a place at the school.

#### Community cohesion

16. I can see no threat to community cohesion from this proposal.

#### Travel and accessibility

17. This proposal will not require any children to undertake longer journeys to school, or pre-school than they do now.

### Funding

18. The pre-school will continue to operate in the buildings currently occupied by Busy Bees; no capital spending is required.

19. The merger is in my view likely to lead to efficiencies in management and administration, allowing more of the available revenue funding to be focused on teaching and learning.

### Other considerations

20. During the informal consultation undertaken by Busy Bees and the school there was a high level of support for the merger. This support was also evident in the comments received during the representation period with 13 of the 20 responses being supportive.

21. The main area of concern among representations was the need for differentiation between nursery and school. Two and three-year-olds are already attending the site, but in different buildings; the proposal does not change this. The other two lower schools in Flitwick also have pre-school age children on site. I am sure that all of the issues identified by those with concerns either already have management solutions or there will be good local practice to draw on to solve any new issues which may arise.

## **Conclusion**

22. I can see no adverse impact from this proposal and see in it the potential to secure pre-school provision, operate more efficiently and focus more resources on teaching and learning for the children. I therefore approve this proposal.

## **Determination**

23. Under the powers conferred on me by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 made under section 21 of The Education and Inspections Act 2006 I have considered the proposal to alter the lower age range of Flitwick Lower School from 4 to 2 from 1 September 2020. I approve the proposal.

Dated: 12 June 2020

Signed:

Schools Adjudicator: Phil Whiffing