

REPORT FOR DECISION



DECISION OF:	CABINET
DATE:	WEDNESDAY 26 JULY 2017
SUBJECT:	PROPOSED CLOSURE OF NURSERY PROVISION AT RIBBLE DRIVE PRIMARY SCHOOL
REPORT FROM:	CABINET MEMBER FOR CHILDREN AND FAMILIES
CONTACT OFFICER:	PAUL COOKE STRATEGIC LEAD (SCHOOLS, ACADEMIES AND COLLEGES)
TYPE OF DECISION:	EXECUTIVE (KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	OPEN
SUMMARY:	<p>The Governing Body of Ribble Drive Community Primary School has requested that the LA publish and consult on a statutory proposal to remove its nursery provision, thus changing the age range of the school from 3-11 to 4-11.</p> <p>A report was presented to Cabinet on 28 June 2017, a decision regarding the proposal was deferred pending further information being provided by the school in relation to the informal consultation that was conducted prior to the publication of the proposal. Additional information provided by the school is contained at Appendix Two.</p> <p>If approved, the proposal will be implemented with effect from 1 September 2017.</p> <p>In accordance with the Education and Inspections Act 2006 (as amended by the Education Act 2011), and associated Prescribed Alterations Regulations, the Local Authority has responsibility for determining the proposal.</p>

TRACKING/PROCESS**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
Scrutiny Committee	Cabinet/Committee	Council	

1.0 Background

- 1.1 The school's nursery provision was originally established to offer 52 places (26 places in the mornings and 26 in the afternoons, with the possibility of parents paying for extra sessions to create full time provision). However, over recent years the demand for nursery places has declined, to the extent that the school now only offers places in the mornings.
- 1.2 The school therefore currently offers Nursery provision for five mornings a week during term time. There is a high adult to pupil ratio in the Early Years Foundation Stage unit, with two teachers and two support staff full time equivalent (FTE), and one other member of support staff who works five mornings (0.5 FTE). This ratio enables the school to have a maximum of 56 children in the mornings and 30 children in the afternoons; the Published Admission Number for the Reception year group is 30 pupils. Reception pupils attend full time, therefore Nursery provision could be a maximum of 26 children in any one session.
- 1.3 Since 2014-15 the numbers of children attending the nursery have declined, from 46 in 2014-15, to 24 in 2015-16. In January 2017, the school admitted 9 children into the nursery in an attempt to increase numbers. There are a further 6 children whose parents have expressed interest in a nursery place from September 2017. Therefore, there would potentially be 15 children requiring nursery places in September 2017.
- 1.4 The costs of running the nursery, including meeting statutory staffing ratios, are significantly higher than the funding received using the approved Early Years Single Funding Formula (EYSFF), which is set to reduce further according to known nursery intake numbers.
- 1.5 Based upon current numbers, funding and income generation there is a significant shortfall to meet the costs of running the Nursery, and low numbers of pupils in Nursery over a period of time are unsustainable.
- 1.6 The Governing Body therefore requested that the LA publish and consult upon a proposal to remove its nursery provision, thus changing the age range of the school from 3-11 to 4-11.

2.0 Process

- 2.1 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, and associated statutory guidance, sets out the process to be followed in relation to changes to school organisation, and the factors that must be considered by decision makers.
- 2.2 In respect of changes involving a Community school, such as alteration of the age range, the LA is both the proposer and the decision maker of the proposal. Whilst the Governing Body have requested that this proposal be developed, the LA must publish and consult on the proposal. Thereafter, it is for the LA to consider the proposal and to determine if it should be approved. If it is unable to do so, the LA must refer the proposal to the Schools Adjudicator for decision.
- 2.3 Upon publication of a statutory notice setting out the proposal, representations can be made to the LA by any person within a four week period.
- 2.4 The statutory guidance states that the LA as decision-maker will need to be satisfied that the appropriate, fair and open consultation has been carried out, and that the proposer has given full consideration to all the responses received.
- 2.5 The decision-maker must consider the views of those affected by a proposal or who have an interest in it and should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school.

3.0 Consultation

- 3.1 Prior to the publication of a proposal, there is a strong expectation that interested parties will be consulted in developing the proposal prior to publication, taking into account all relevant considerations.
- 3.2 The school has carried out informal consultation with the staff and families that would be affected by this proposal. Details are contained at Appendix 2. Following this, the LA was requested to publish a statutory proposal to remove nursery provision at the school.
- 3.3 The proposal was published on 18 April 2017, setting out arrangements for those affected by the proposal to make their views known. The closing date for receipt of comments was 16 May 2017.
- 3.4 The LA received five objections to the proposal from prospective parents, or families whose children currently attend the nursery. A petition to show support for the nursery and the staff was also received which contained 146 signatures from parents and members of the community.
- 3.5 A summary of the representations received in response to the consultation, and responses to the issues raised, is set out at Appendix 1.
- 3.6 Cabinet members will also have sight of all responses received.
- 3.7 Departmental HR officers have been involved in the consultation with the staff affected by this proposal, and their respective union representatives.

4.0 Implications

- 4.1 If approved, the proposal will be implemented with effect from 1 September 2017.
- 4.2 Those children currently attending Nursery who are eligible to start in Reception in September 2017 have applied to the LA for a school place in the normal way.
- 4.3 There are currently 15 children whose parents have expressed interest in a nursery place from September 2017, 9 of whom were admitted in January 2017.
- 4.4 There is private provision adjacent to the school, and there are other private providers and schools in the local area to ensure the sufficiency of early years provision in the area. The school has confirmed that, if the proposal is approved, it will support parents to identify the most suitable provision for their child.
- 4.5 Despite the decline in demand for nursery places at the school, demand for school places remains high, and the Reception intake for September 2017 is oversubscribed, with forecasts set to sustain this level of demand.
- 4.6 Governors have indicated that removal of the nursery provision will enable the school to continue the development of a rich curriculum that supports all children throughout Reception, consolidating and further developing the successes and benefits they have already seen from effective leadership in Foundation 2.

5.0 Conclusion

- 5.1 In considering proposals, the Local Authority as decision maker must now decide to either reject the proposal; approve the proposal without modification; approve the proposal with modifications; or approve the proposal – with or without modification – subject to certain conditions being met.
- 5.2 Based upon current and projected numbers, the Governing Body is of the opinion that the nursery provision is not financially sustainable.
- 5.3 A number of families will be affected by this proposal, and the school has committed to working with those families in order to support them in finding suitable alternative provision.
- 5.4 The statutory process in making a prescribed alteration to a school has been followed.
- 5.5 In that respect there appears to be no reason for the Local Authority to reject the proposal.
- 5.6 Cabinet is therefore requested to approve the proposal as published.

List of Background Papers:-

Prescribed Alteration Statutory Proposal

Consultation document

Consultation responses

Petition of signatories

Making 'prescribed alterations' to maintained schools - Statutory guidance for proposers and decision-makers, DfE April 2016

Guidance for Decision Makers, DfE April 2016

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**PROPOSED CLOSURE OF NURSERY PROVISION AT RIBBLE DRIVE
PRIMARY SCHOOL
CONSULTATION FEEDBACK & RESPONSES**

RESPONDENTS	COMMENT	RESPONSE
Parents/Grandparents of nursery children	Although there is a consultation period in place, we feel that the outcome has already been decided.	<p>The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, and associated statutory guidance, set out the process to be followed in relation to making prescribed alterations to schools, such as a change in age range to remove nursery provision.</p> <p>The process involves publication of a statutory notice setting out the proposal; a statutory representation period, during which those affected can make their views known. Following the representation period, the LA has responsibility for determining the proposal. Decisions must be made within two months of the end of the representation period, or they must be referred to the Schools Adjudicator.</p> <p>Once determined, the proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.</p> <p>This proposal was published on 18 April 2017, setting out arrangements for those affected by the proposal to make their views known. The closing date for receipt of comments was 16 May 2017.</p> <p>The Council's Cabinet is requested to determine the proposal at its meeting on 28 June 2017.</p>

RESPONDENTS	COMMENT	RESPONSE
	<p>When did informal consultation take place and with whom?</p>	<p>Prior to the publication of a proposal, there is a strong expectation that interested parties will be consulted, in developing the proposal prior to publication, taking into account all relevant considerations.</p> <p>The school has carried out informal consultation with the staff and families that would be affected by this proposal.</p> <p>Discussions with parents of "rising 2s" and younger children have also indicated that few were considering Nursery provision. Most preferred to use full time private settings or keep their child/ren at home and use Children's Centre sessions.</p>
	<p>Children have settled well into nursery and have formed strong emotional attachments</p> <p>Routine is important and the changes planned will have a detrimental impact on our children. Has the impact been considered at any time during this process?</p> <p>If we are forced to seek alternative provision we may not be able to use local childminding services. Have you considered the wider impact of this decision on families and those who support families?</p> <p>Has consideration been given to families of children in Foundation stage 1 who have siblings at the school?</p>	<p>Governors accept and appreciate the parental concerns around changes in routine, and the friends and attachments that the children have made.</p> <p>Although there will be changes if the proposal is approved, young children are extremely resilient and there will be similar routines in other settings, especially school settings, to develop school readiness.</p> <p>Whilst these may not be equidistant from local childminders that some families are currently using, there is capacity in other local settings.</p> <p>One family with a sibling has approached the Head and discussed this issue; they accept that a financially unviable nursery will divert funds from other areas, and do not want their older child's education compromised.</p>

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		Should the proposal be approved, the school will work with all families affected to support enhanced transition to new settings, if this is the option which they choose to make.
	<p>We cannot express enough our happiness at the level of education, care and guidance (our daughter) receives from Mrs Lowe and her staff.</p> <p>My son attended the nursery, and progressed so well, I would really like my daughter to go there too.</p>	Governors welcome the positive comments regarding the nursery provision that were received throughout the consultation.
	We find the decision to seek closure of the foundation stage surprising considering that 9 children were given places in January. Was this considered when a decision to seek closure was made?	As the data indicated a significant decrease in F1 entry numbers in September 2017, in the Autumn of 2016 school contacted local families with children classed as "Rising 3s." Of the 23 contacted, 10 expressed an interest in a January intake and 9 children were placed. This was a genuine attempt to see if the school could increase the numbers, but has caused disruption and upset for which governors apologise; the last thing they wish to do is cause distress to these children.
	<p>The numbers quoted in the consultation document were inaccurate.</p> <p>There are 9 children currently attending and a further 9 or 10 have expressed interest for September.</p>	<p>There are currently 15*, children whose parents have expressed interest in a place from September- this number is greater than the number quoted in the original documentation as since initial consultation more parents have come forward.</p> <p>*This includes the 9 children who formed the January intake.</p>
	Why have staff redundancy notices been issued when the final decision has not yet been made?	In order to comply with statutory notice periods, redundancy notices have to be issued in a timely manner to effect a change from 1st September. If the

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		<p>notices hadn't been issued at this stage and the closure went ahead from September, the school would have been left with an overstaffing situation.</p> <p>As is the case with any redundancy, the notices can be withdrawn at any point prior to the proposed date of redundancy, in this case 31st August.</p> <p>Should the proposed closure not go ahead, the redundancy notices will be withdrawn.</p>
	<p>Has consideration been given to the detrimental impact this decision could have on pupil numbers?</p>	<p>Despite the declining position in the Nursery for the last 3 years, the school has been consistently oversubscribed at Reception, with appeals occurring for each of these years. This trend is currently on-going for September (2017-18) as there have been over 60 applicants for 30 places. From September 2017, existing data shows that school currently expects to have 30 children in each class from F2 (Reception) to Y6. Pupil forecasts are set to sustain this level of demand.</p> <p>Whilst Governors are not aware where all children attend pre-school, they have ascertained that some of these children's parents work full time, and therefore require more than the 15 hours for 39 weeks per year that school is able to offer. It is also possible that some parents choose to keep their child/ren at home until they reach statutory school age</p>
<p>Parent of Y2 child and prospective nursery child.</p>	<p>Recent discussions in the media regarding school funding and the squeeze on school budgets is highlighted perfectly I believe by</p>	<p>Lower pupil numbers in the Nursery class has a negative impact on funding as Nursery classes are</p>

RESPONDENTS	COMMENT	RESPONSE
	<p>the situation at our school. I was made aware that 3 members of staff have already been put on notice for redundancy, and the school has already had to close its After School Club.</p> <p>I have spoken personally to the Headteacher and fully appreciate that low numbers in the nursery class over a long period of time may have a negative impact on funding and the school budget. As a parent of a child currently in Y2..., I absolutely understand the need to focus funding where it is most useful and beneficial.</p>	<p>funded on a 'per pupil' basis rather than according to how many places they offer. Younger children require a higher staff: pupil ratio and the current data shows Nursery numbers are expected to be very low. Governors are convinced by this data that there will be insufficient funding to maintain the Nursery class. The Governing Body must set a balanced budget, and the school budget does not include any formula funding that will allow it to subsidise the nursery provision. Governors therefore believe that the Nursery class is no longer financially viable.</p>
	<p>I strongly urge the Council's Cabinet to ensure all possible alternatives be fully investigated and discussed, before a decision is made.</p>	<p>Governors understand the importance of Early Years education, and the vital role that the whole of EYFS plays in school readiness; to this end they consulted with other local schools and private providers to ascertain what capacity they would have to offer places to those parents who did express an interest in staying at Ribble Drive. At the time of this consultation, there was sufficient capacity to take in the 9 children who formed the January intake.</p>
	<p>Private provision on the same site has a negative impact on the attractiveness of the school nursery.</p>	<p>Governors are well aware that a school Nursery, staffed by a teacher, can provide more than many private Nurseries in terms of school readiness, however Ribble Drive can only operate for 39 weeks per year. Whilst the school has had some children who have attended the school Nursery in the morning and then moved into "Toddlers", this has been the exception rather than the rule.</p>

