

**Report to the Cabinet**

Meeting to be held on Thursday, 7 December 2023

**Report of the Director of Education Improvement**

**Part I**

Electoral Division affected:  
Pendle Rural;

**Corporate Priorities:**  
Delivering better services;

**The Future of Maintained Nursery Provision at Gisburn Road Community Primary School, Barnoldswick**

(Appendices 'A' to 'E' refer)

Contact for further information:

Debbie Ormerod, Tel: (01772) 531878, Access to Education Entitlements Lead Officer,  
debbie.ormerod@lancashire.gov.uk

**Brief Summary**

On 7 September 2023, Cabinet agreed to a statutory notice being published to begin a representation period on the future of the local authority maintained nursery provision currently delivered by Gisburn Road Primary School in Barnoldswick. A Statutory Notice was published, to begin the consultation period in relation to the school discontinuing the nursery provision, by permanently raising its age range from 3-11 years to 4-11 years, with effect from 31 December 2023. The consultation period took place from 14 September 2023 to 2 November 2023.

As part of the statutory process, a decision should now be taken about the proposal and this will be done by Lancashire County Council, who is the decision maker. If the Authority does not decide within two months from the end of the consultation period, the proposal and any representations about the proposal must be passed to the Schools Adjudicator for a decision.

**Recommendation**

Cabinet is recommended to:

- (i) Consider the information in this report.
- (ii) Approve the proposal as detailed in the statutory notice to discontinue the local authority maintained nursery provision at Gisburn Road Primary School



by permanently raising its age range from 3-11 years to 4-11 years, with effect from 31 December 2023, noting that there will still be nursery provision at the school that will be Governor-led.

(iii) Approve that an appropriate statutory decision letter be sent out, as specified under legal requirements, to give the reasons for the decision to the parties that have been consulted.

## Detail

Following Cabinet approval in September 2023, the statutory notice was published on 14 September 2023, and the representation period ran from 14 September to 2 November 2023. The local authority is now at stage 3 of the statutory process, as defined by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, and this is set out in the table below:

Stage	Description	Timescale
Stage 1	Publication of Statutory Notice and Proposal	14 September 2023
Stage 2	Representation (formal consultation)	14 September to 23 November 2023
Stage 3	Decision	7 December 2023
Stage 4	Implementation	31 December 2023

The statutory notice, Lancashire County Council Childcare Sufficiency Assessment, Section 18 Proposal, factors for consideration and the Equality Impact Assessment can be found at Appendices 'A' to 'E' respectively.

## Factors Relevant to all Types of Proposal

The Department for Education's statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals, was published in October 2018. The guidance sets out several factors which must be taken into consideration for all types of proposal. These factors, and supporting comments, are set out in Appendix 'C'.

## Consultation responses

Three responses were received from parents during the consultation period. The concerns raised and the responses provided are set out in Appendix D. All of the respondents were worried about the nursery closing, without recognising that there was simply to be a change in the management of the provision.

All of the respondents have been contacted, with reassurances given by the School Business Manager that their families will not be adversely affected by the proposal.

## Appendices

Appendices 'A' to 'E' are attached to this report. For clarification they are summarised below and referenced at relevant points within this report.



<b>Appendix</b>	<b>Title</b>
Appendix 'A'	Statutory Notice
Appendix 'B'	Lancashire County Council Childcare Sufficiency Assessment
Appendix 'C'	Section 18 Proposal
Appendix 'D'	Factors for Consideration
Appendix 'E'	Equality Impact Assessment

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

Local authorities have a statutory duty to secure sufficient and suitable early years provision, to meet the needs of children and families in each district, by influencing and shaping provision through local partnerships and by identifying gaps, enabling new provision and developing the market.

As evidenced in the annual Lancashire County Council Childcare Sufficiency Assessment report there is more than sufficient good quality nursery providers in the Pendle area. The report will be updated in the Spring term 2024.

The nursery at Gisburn Road is not seeking to close, it is proposing to provide Governor-led early years provision. Prior to seeking a decision about a possible change in management, the governors had verbally consulted with parents on how the nursery would operate. Families understand the proposal and they have been reassured that their children can continue to attend a nursery on the school site.

### **Human Resources**

There will be TUPE considerations for the staff. All those part of the organised grouping will transfer to the governor led provision.

### **Financial Implications**

The Governing Body has clarified that the impact on the school budget will be minimal.

Should the outcome of the consultation be to change the management of the school nursery from the local authority to the Governing Body, there would not be an adverse financial impact on the local authority.



## List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A

