

Education Scrutiny Committee

Meeting to be held on Thursday, 30 January 2020

Part I

Electoral Division affected:
All

Call In Request: The Future of Maintained Nursery Schools

(Annexes 'A and 'B' refer)

Contact for further information:

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Executive Summary

On 16 January 2020, Cabinet received and approved recommendations contained in a report (as at Annex 'A') entitled 'The Future of Maintained Nursery Schools'.

Following requests from 11 County Councillors in accordance with the "Call In" procedures, the Chair of the Education Scrutiny Committee has called a meeting to consider calling in the decision.

Recommendation

In accordance with the Call In procedures contained in Overview and Scrutiny Procedural Standing Orders E1-2, the Education Scrutiny Committee is asked to consider:

1. Whether or not to request Cabinet reconsider the decision made on 16 January 2020 to approve the recommendations as set out in the report below.
2. If so, to determine the grounds on which the request is to be based.

Background and Advice

On 16 January 2020, Cabinet received a report providing an update on the current viability of Maintained Nursery Schools in Lancashire, areas of concern and recommendation actions.

Cabinet resolved that:

- i. The commencement of a formal consultation on the future of those maintained nursery schools identified as currently being 'non-financially viable' or those suffering critical financial stress, be approved.

- ii. The Chair of Governors and the Headteachers for those maintained nursery schools identified as being currently 'financially vulnerable' be requested to provide a sustainable financial recovery plan, with assistance from county council officers.
- iii. For those maintained nursery schools identified as being currently 'financially viable', the situation continues to be monitored on a termly basis, to ensure the position does not deteriorate. If any of these maintained nursery schools are identified in the future as being 'financially vulnerable', the Executive Director of Education and Children's Services be authorised to initiate the actions listed under recommendation (ii) above for those nursery schools.
- iv. In the event that the Maintained Nursery School supplementary grant is not extended beyond April 2021, further consideration be given to the long-term viability of maintained nursery schools which would be the subject of a separate Cabinet report.

On Tuesday 21 January 2020, the Chief Executive received a request, signed by 11 County Councillors representing more than one single political group, for the Education Scrutiny Committee to consider whether this decision should be the subject of a Call In.

The request was received in accordance with Overview and Scrutiny Procedural Standing Orders E1-2 from County Councillors John Fillis, Azhar Ali, Lorraine Beavers, Lizzi Collinge, Paul Hayhurst, Erica Lewis, Mohammed Iqbal, Bernard Dawson, Liz Oades, Julie Gibson and Sobia Malik. The decision cannot now be implemented until the call-in procedure is completed.

Standing Order E2(5) requires those requesting the special meeting to specify how the decision has breached one or more of the Principles of Decision Making set out at Standing Order A4. These are that all decisions of the council, including Cabinet and Committees, will be:

- (a) proportionate in all ways, including financially, to the issues under consideration and to the desired outcome;
- (b) based on appropriate consultation and professional officer advice;
- (c) In line with our duties around Human Rights and equality and diversity;
- (d) clear in terms of aims and outcomes;
- (e) in line with the legal test of reasonableness; and
- (f) made with all relevant information being available to the decision makers, and, where appropriate, other councillors and the public.

The reasons for this request as submitted by the above members are as follows:

(a) Proportionate in all ways, including financially, to the issues under consideration and to the desired outcome.

"The implications of nursery closures are so significant that, whilst consulting and working with nurseries on their future is welcomed, the decision and action taken

does not identify adequate funding to ensure that all Nurseries are maintained until April 2021 or until the Government has identified the future of the School Supplementary Grant Status.

Inadequate identification of funding: A contingency fund of £1million should have been included to ensure viability until clarity on the government's intentions is received, and also in order to ensure that there is financial capacity to allow a full range of options to be considered at that future point.

Without this, the decision is not proportionate to the issue."

To assist the Committee, the Call In procedures contained in Overview and Scrutiny Procedural Standing Orders E1-2 are attached as at Annex 'B'. Of particular relevance are the requirements that the Committee must determine at the meeting whether or not to request that the decision be reconsidered, and if so to determine the grounds upon which the request is based.

The Committee is required to meet within seven clear working days of the request to consider the Call In being received, and a special meeting has therefore been scheduled for Thursday 30 January at 10.30am in Cabinet Room C, County Hall, Preston.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no significant risk management implications arising from this item.

However, the risk management and other implications associated with the decision are set out in Annex 'A' to this report.

Local Government (Access to Information) Act 1985 List of Background Papers

| Paper | Date | Contact/Directorate/Tel |
|-------|------|-------------------------|
| N/A | N/A | N/A |

Reason for inclusion in Part II, if appropriate

N/A