

Report to the Cabinet

Meeting to be held on Thursday, 3 March 2022

Report of the Head of Education Improvement

Part I

Electoral Division affected:
Clitheroe

Corporate Priorities:
Delivering better services;
Caring for the vulnerable;

The Future of Maintained Nursery Provision at Edisford Primary School, Clitheroe

(Appendices 'A' to 'E' refer)

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Brief Summary

On 4 November 2021, Cabinet agreed to a statutory notice being published to begin a representation period on the future of the nursery provision currently delivered by Edisford Primary School in Clitheroe. 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 1 April 2022. The consultation period took place from 2 December 2021 to 20 January 2022.

As part of the statutory process, a decision should now be taken about the proposal and this will be done by Lancashire County Council, which 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 asked to:

- (i) Consider the information in this report.
- (ii) Approve the proposal as detailed in the statutory notice to discontinue the nursery provision at Edisford Primary School by permanently raising its age range from 3-11 years to 4-11 years, with effect from 1 April 2022.

- (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 November 2021, the statutory notice was published on 2 December 2021, and the representation period ran from 2 December 2021 to 20 January 2022. 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	2 December 2021
Stage 2	Representation (formal consultation)	2 December 2021 to 20 January 2022
Stage 3	Decision	3 March 2022
Stage 4	Implementation	1 April 2022

The statutory notice, accompanying proposal, factors for consideration and the Equality Impact Assessment can be found at Appendices 'A' to 'D' 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 at Appendix 'C'.

Conclusions

Three responses were received during the consultation period. There were two from the community and a further response from a county councillor. The responses all supported the closure of the Edisford Primary School Nursery, and no issues or concerns were raised by the families who may have been adversely affected by this proposal.

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 April 2020-21, as set out [here](#), there is more than sufficient good quality nursery providers in the Clitheroe area. There has been a drop in the live birth rate in this area, leading to a significant number of surplus nursery places.

Prior to seeking a decision to close the nursery, the governors undertook an informal consultation with parents on how the school could increase the uptake in places. Feedback from parents indicated that they felt limited by the 9.00am to 3.00pm offer, that was only available during term time. Parents also stated that they were seeking wrap around care that was available during the school holidays.

It has been reported by the school that the number of 3-year-olds attending the school is low and reducing. As can be seen from Child Care Sufficiency Assessment there are many other early years providers in the local area. As such, the local authority does not believe that there would be an adverse impact on participation, should the school permanently reduce its age range from 3-11 years old to 4-11 years old.

As reported to Cabinet in November 2021, the governors at Edisford Primary School had explored the possibility of leasing the nursery to a private provider and these plans are being progressed.

Human Resources

The staffing structure at the school would need to be revisited in the event of the Maintained nursery closure. The current nursery teacher is on a temporary contract that will not be extended, and it is intended that the 2 full time, teaching assistants will be TUPE'd across to the new provision.

Financial

An extract from an extraordinary meeting of the governing body at Edisford Primary School, held on 17 March 2021, set out at Appendix 'E', has been provided explaining the financial difficulties being experienced by the school.

The financial implications set out at Appendix 'E' are deemed to be Part II for the reason set out below:

This section of the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

The private provider has submitted a request for OfSTED registration and has been advised of the need to liaise with the county council's Asset Management Team, to negotiate and arrange the lease and legal approvals. Monies generated through the lease will be paid into the primary school budget and be used to benefit the whole school population.

Should the outcome of the statutory process be a decision to remove the maintained nursery at the school, there would not be an adverse financial impact on the local

authority. The overall financial position of the school would be improved by permanently reducing the age range from 3-11 years old to 4-11 years old. At present, the 4 -11 part of the school is providing financial subsidy to the maintained nursery class as the retention of the nursery class is having a significant impact on the school budget.

List of Background Papers

Paper	Date	Contact/Tel
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None		
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Reason for inclusion in Part II, if appropriate

Appendix 'E' is not for publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The appendix contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.