

## **Report to the Cabinet**

Meeting to be held on Thursday, 3 March 2022

### **Report of the Head of Service, Education Improvement**

#### **Part I**

Electoral Division affected:  
Burnley Central East

**Corporate Priorities:**  
Caring for the vulnerable;

#### **The Future of Maintained Nursery Provision at Brunshaw Primary School, Burnley**

(Appendices 'A' and 'B' refer)

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#### **Brief Summary**

The Head teachers and Governors at Brunshaw Primary School have approached the local authority in relation to the future of the nursery provision at the school. The school has asked the local authority to start the formal statutory process, to consult on the proposal to cease the maintained nursery provision by permanently reducing the age range from 3-11-year-olds (Nursery 2 to Year 6) to 4-11 year olds (Reception to Year 6) with effect from 31 August 2022.

Under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and the Department for Education's statutory guidance, Making 'Prescribed Alterations' to Maintained Schools published in November 2019, the local authority must be the proposer for this type of significant change and carry out a statutory process, which includes publication, representation, decision, rights of appeal and implementation. In line with this, the authority is now required to decide whether to publish a Statutory Notice on the proposal to consult on the future of the maintained nursery provision at Brunshaw Primary School, Burnley.

#### **Recommendation**

Cabinet is asked to approve that the authority publishes a Statutory Notice, to begin the consultation period on the future of the maintained nursery provision currently delivered by Brunshaw Primary School, Burnley.

## Detail

Following discussions with the local authority, the Head teacher of Brunshaw Primary School informed the county council of the school's intention to consult on the future of its early years provision, due to concerns over financial and educational viability.

## Consultation and Statutory Requirements

The county council has followed the Department for Education's statutory guidance for proposers and decision makers in relation to Opening and Closing Maintained Schools, November 2019.

For a local authority-maintained community school, the local authority is the proposer and the decision maker. The statutory process follows four stages, and these are set out in the table below, along with the suggested timeline for this proposal:

Stage	Description	Timescale
Stage 1	Publication of Statutory Notice and Proposal	3 March 2022
Stage 2	Representation (formal consultation)	14 March 2022 to 23 May 2022
Stage 3	Decision	July 2022
Stage 4	Implementation	31 August 2022

To ensure that the process remains within the statutory requirements, the local authority must ensure that the timescales outlined above are adhered to.

## Implications:

This item has the following implications, as indicated:

## Risk management

Local authorities have a statutory duty to secure sufficient childcare places to enable parents to work. These childcare places need to be, accessible, affordable, and delivered flexibly in high quality settings. Local authorities must ensure that the needs of children and families in each district are met by influencing and shaping provision through local partnerships and by identifying gaps and developing the market.

As evidenced in the annual Lancashire County Council Childcare Sufficiency Assessment, as set out at Appendix 'A', there is more than sufficient good quality nursery providers in the Burnley area. There has been a drop in the live birth rate and there are a significant number of surplus places in the Burnley area and in the Burnley Central East ward.

Prior to seeking a decision to close the nursery, the governors verbally consulted with parents on how the school could increase the uptake in places. There is a lot of competition between early years providers in the area and feedback from parents

indicated they were seeking provision that was available before and after school and during the school holidays.

The nursery at Brunshaw Primary School is offering morning only sessions and there are 26 places available. There are currently only 10 pupils attending and these children will start the reception year in the Autumn Term 2022. The closing date for nursery applications was 21 January 2022 and only 4 applications for September 2022 have been received for the nursery at Brunshaw.

As can be seen from the information at Appendix 'A', the number of 3-year-olds attending the school is low and reducing, and 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.

### **Human Resources**

The Governing Body at Brunshaw Primary School has made staffing adjustments from September 2021 and no permanent roles are vulnerable.

### **Financial Implications**

An extract from the minutes of the Governing Body meeting held on 14 January 2021, set out at Appendix 'B', has been provided, to evidence that the impact on the school budget will be minimal. Consideration has also been given to how the vacated space at the school would be used to benefit the pupils.

The financial implications set out at Appendix 'B' 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).

Should the outcome of the consultation be to remove the nursery at the school, there would not be an adverse financial impact on the local authority.

### **List of Background Papers**

Paper	Date	Contact/Tel
None		

Reason for inclusion in Part II, if appropriate

Appendix 'B' 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.