

Burnley Brunshaw Primary School, Maintained Nursery

Factors to be considered by decision-makers when deciding prescribed alteration, establishment and discontinuance proposals

The Department for Education's (DfE) statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals, published in October 2018, sets out several factors which must be taken into consideration for all types of proposal. These factors are set out below, along with an explanatory comment:

Related proposals

DfE guidance: Any proposal that is 'related' to another proposal must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

Comment: This is a stand-alone proposal and is not reliant on the outcome or implementation of another proposal.

Conditional approval

DfE guidance: Decision-makers may give conditional approval for a proposal subject to certain prescribed events.

Comment: It is not anticipated that the decision-maker will set any conditions in relation to the approval of this proposal.

Publishing decisions

DfE guidance: All decisions (rejected and approved – with or without modification) must give reasons for such a decision being made. **Within one week** of making a decision, the decision-maker should arrange (via the proposer where necessary) for the decision and the reasons behind it to be published on the website where the original proposal was published. The decision-maker must also arrange for the organisations listed to be notified of the decision and reasons: the governing body/proposers (as appropriate); the trustees of the school (if any); the local Church of England diocese; the local Roman Catholic diocese; any other organisation that they think is appropriate; and the Secretary of State (in school opening and closure cases only).

Comment: Arrangements are in place to ensure that the decision will be communicated to interested parties within one week of the decision being made. This will be done via the school organisation website, where the original proposal was published, and also by sending a letter to specific individuals or organisations, such as those stated in the guidance, local councillors and OfSTED.

Consideration of consultation and representation period

DfE guidance: The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider **ALL** the views submitted, including all support for, objections to and comments on the proposal.

Comment: The consultation document proposed to discontinue the maintained nursery at Burnley Brunshaw Primary School by permanently raising its age range from 3 to 11 years to 4 to 11 years, with effect from 31 August 2022 and asked for views on the proposal. Full details of the consultation process are set out in Appendix 'A'.

The consultation ran for longer than the minimum 4-week period to account for the Christmas holiday period, ensuring that anyone wishing to respond had adequate time to do so. By the close of the consultation period on 23 May 2022, nil responses were received.

Support	Neither agree nor disagree	Object
nil	nil	nil

Education standards and diversity of provision

DfE guidance: Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents; raise local standards and narrow attainment gaps.

Comment: As evidenced in the annual LCC Childcare Sufficiency Assessment report there is more than sufficient good quality 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 this administrative area.

A school-led system with every school an academy

DfE guidance: The 2016 White Paper, Education Excellence Everywhere, sets out the department's aim that by the end of 2020, all schools will be academies or in the process of becoming academies. The decision-maker should, therefore, take into account the extent to which the proposal is consistent with this policy.

Comment: Whilst alignment with the Education Excellence Everywhere has been considered, the creation of/conversion to an academy is not appropriate as this proposal is not related to the establishment of a new school or nursery.

Demand v need

DfE guidance: The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for

a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

Comment: As evidenced in the annual LCC Childcare Sufficiency Assessment report there is more than sufficient good quality providers in the Burnley area.

Proposed admission arrangements

DfE guidance: In assessing demand, the decision-maker should consider all expected admission applications, not only from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code.

Comment: Should this proposal be approved, the school will no longer admit nursery pupils and the admission policy will be amended to reflect this. The Family Information Service within Lancashire County Council will be made aware of this outcome to ensure that the correct information is available on the Authority website.

National curriculum

DfE guidance: All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

Comment: As this proposal relates to the nursery element of the school, there is no link to the national curriculum. The Early Years Foundation Stage [EYFS] informs a nursery setting.

Equal opportunity issues

DfE guidance: The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to: eliminate discrimination; advance equality of opportunity; and foster good relations.

The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in the area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly, there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

Comment: Please refer to the Equality Impact Assessment at Appendix 'E'.

As there were no responses to this consultation, no equal opportunities issues have arisen during the representation period and this proposal does not discriminate against any specific groups of the community.

Community cohesion

DfE guidance: Schools have a part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

Comment: Please refer to the Equality Impact Assessment at Appendix 'E'.

No responses were received during the consultation period. Therefore, no reference to an adverse impact on the community or on community cohesion was raised.

Travel and accessibility

DfE guidance: Decision-makers should satisfy themselves that accessibility planning has been properly considered and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

Comment: Please refer to the Equality Impact Assessment at Appendix 'E'.

Funding

DfE guidance: The decision-maker should be satisfied that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Comment: No land, premises or funding are required to implement this proposal.

School premises and playing fields

DfE guidance: Under the School Premises Regulations all schools are required to provide suitable outdoor space to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Comment: If approved, this proposal will mean that the school no longer needs to accommodate nursery pupils, thereby creating additional capacity for the 4 to 11 year old provision. Should this be the case, LCC officers will discuss with the school how this additional capacity could be utilised in future years.

There will be no adverse impact on the school's playing fields as a result of this proposal.

Conclusion

As can be seen from the information outlined above, the consultation received a low number of responses, and the process has not highlighted any issues or concerns for specific groups of children and their families who may be adversely affected by this proposal. As evidenced in the annual LCC Childcare Sufficiency Assessment report there is more than sufficient good quality 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 this administrative area and in the Burnley Central East ward.