

**Report to the Cabinet**

Meeting to be held on Thursday, 7 September 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 'C' refer)

Contact for further information:

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**Brief Summary**

The Head teacher and governors at Gisburn Road Community 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 December 2023.

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 January 2023, 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 Gisburn Road Community Primary School, Barnoldswick.

**Recommendation**

Cabinet is asked to approve the publication of a Statutory Notice, to begin the consultation period on the future of the maintained nursery provision currently delivered by Gisburn Road Community Primary School, Barnoldswick.



## Detail

Following discussions with the local authority, the Head teacher of Gisburn Road Community 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.

To fully consider this proposal, a number of factors have been taken into account, which are evidenced in the extract from Lancashire County Council's Childcare Sufficiency Assessment set out at Appendix 'A', an extract from the minutes of the Governing Body's Resources Committee Meeting held on 22 February 2023 set out at Appendix 'B' and the minutes of the Full Governing Body Meeting held on 23 March 2023 set out at Appendix 'C'.

## 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 published in January 2023.

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	8 September 2023
Stage 2	Representation (formal consultation)	14 September to 26 October 2023
Stage 3	Decision	7 December 2023
Stage 4	Implementation	31 December 2023

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

## Appendices

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

Appendix	Title
Appendix 'A'	Extract from Lancashire County Council Childcare Sufficiency Assessment
Appendix 'B'	Extract from minutes of Governing Body's Resources Committee Meeting held on 22 February 2023
Appendix 'C'	Minutes of the Full Governing Body Meeting held on 23 March 2023



## **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 extract from the annual Lancashire County Council Childcare Sufficiency Assessment set out at Appendix 'A', there is more than sufficient, good quality providers in the Barnoldswick area, of which Governor-led provision is included. The live birth rate is not increasing and there are an adequate number of places both in the Barnoldswick area and in the Pendle Rural ward.

Should the decision be agreed, the nursery will continue to operate with Governor-led provision. The nursery would be relocated into the main school building and the number of places available would reduce from 26 to 16. It has been confirmed that this will not have a negative impact on the number of nursery places in the area. The closing date for nursery applications was 31 January 2023, and the projected number of pupils for September 2023 is 16. The proposal to close the maintained nursery provision at the school was agreed at the school's Resources Committee meeting on Wednesday 22 February 2023 and ratified at its full Governing Body meeting on Wednesday 22 March 2023.

As there will be no detrimental effect to the community, an informal consultation has not taken place. 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.

### **Financial**

Financial implications are set out at Appendices 'B' and 'C' and are deemed to be Part II and exempt from publication as the appendices contain information relating to the financial or business affairs of any particular person (including the authority holding that information).

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

### **Human Resources**

Any HR implications arising from any future decisions taken as a result of the outcome of consultation will be dealt with in line with the county council's approved HR policies and procedures.



## List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

Appendices 'B' and 'C' are not for publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The appendices contain 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.

