

Report to the Cabinet

Meeting to be held on Thursday, 5 December 2024

Report of the Director of Education, Culture and Skills

Part I

Electoral Division affected:
Pendle Rural;

Corporate Priorities:
Delivering better services;

The Future of Maintained Nursery Provision at Whittlefield Primary School, Burnley

(Appendices 'A' to 'D' refer)

Contact for further information:

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Brief Summary

On 11 July 2024, Cabinet agreed to a statutory notice being published to begin a representation period on the future of the local authority maintained nursery provision currently delivered by Whittlefield Primary School, Burnley. 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 31 December 2024. The consultation period took place from 6 September 2024 to 18 October 2024.

As part of the statutory process, a decision should now be taken about the proposal and this will be made 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) Approve the proposal as detailed in the statutory notice to discontinue the local authority maintained nursery provision at Whittlefield Primary School, Burnley, by permanently raising its age range from 3-11 years to 4-11 years, with effect from 31 December 2024.



- (ii) 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 July 2024, the statutory notice proposing the discontinuation of nursery provision currently delivered by Whittlefield Primary School, Burnley, by permanently raising the age range from 3-11 years to 4-11 years, with effect from 31 December 2024 was published on 6 September 2024 and the representation period ran from 6 September to 18 October 2024. 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	6 September 2024
Stage 2	Representation (formal consultation)	6 September to 18 October 2024
Stage 3	Decision	5 December 2024
Stage 4	Implementation	31 December 2024

The statutory notice, Lancashire County Council Childcare Sufficiency Assessment, Section 18 Proposal and factors for consideration 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 in Appendix 'C'.

Consultation responses

No responses were received from parents during the consultation period.

There is other, more than sufficient nursery provision within the District of Burnley, as demonstrated within the Child Care Sufficiency Strategy.

The Equality Impact Assessment can be viewed [here](#).



Appendices

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

Appendix	Title
Appendix 'A'	Burnley Whittlefield Primary School Public Notice
Appendix 'B'	Lancashire Childcare Sufficiency Assessment
Appendix 'C'	Section 18 Proposal
Appendix 'D'	Factors for Consideration

Implications:

This item has the following implications, as indicated:

Legal

Raising the age range of a school to remove nursery provision is a prescribed alteration requiring adherence to a statutory process of consultation, decision making and implementation. Any decision with regards to the removal of nursery provision should take account of the Council's duty to secure sufficient childcare places and early education places for 2, 3 and 4 year olds.

Financial

The governing body has confirmed that the school financial situation will improve, should the raising of the school age be approved.

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 report there is more than sufficient good quality providers in the Burnley area. This will be updated in the Spring term 2025.

Human Resources

The school has confirmed that no staff will be made redundant or have a reduction in working hours imposed due to this proposal.

Equality and Cohesion

The proposal impacts the age (children and young people) protected characteristics group. It is anticipated that, if approved, the impact of the proposal should be broadly



positive. It is recognised that a pupil currently attends the nursery provision, but mitigation has been put in place to address any potential adverse impact for this pupil and their family, which is described in the [Equality Impact Assessment](#). The Equality Impact Assessment can be viewed via the link set out above.

List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A

