

Subject:	Hertford Infant and Nursery School: Formal Consultation on Raising Lower Age Range of School from Three to Four Years and Closure of the Nursery Class		
Date of Meeting:	26th October 2020		
Report of:	Interim Director, Families Children and Learning		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that in order to allow a proper initial consultation period on closure of the nursery class, as agreed by the CYPS committee on 14th September, the consultation did not close until 16th October 2020 and this report could only be produced once that had ended.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The initial consultation on the closure of Hertford Infant and Nursery School nursery class and raising the school's lower age range from three to four years has now completed.
- 1.2 The report on the consultation is attached as Appendix 1.

2. RECOMMENDATIONS:

- 2.1 That this committee agrees to move to the formal representation period and publication of statutory notices to raise the school's lower age range from three to four years with the formal closure of the nursery class from 1st September 2021.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The head teacher and governors of Hertford Infant and Nursery School have asked the local authority to close the nursery class and raise the school's lower age range from three to four years. The reason for closure is the low number of children attending the nursery class, the fact that the number is not likely to increase, and consequent pressure on the school's wider budget.
- 3.2 Maintained schools receive a budget for their nursery classes based on the number of children who attend the provision. The hourly funding rate that

Brighton & Hove receives from the government for EYFE for three and four year olds is the lowest of any unitary local authority in the south east, and this low rate of funding means that unless a nursery class is reasonably full throughout the year there will be pressure on the wider school budget.

3.3 Nursery attendance at Hertford Infant and Nursery School has been falling as shown in the table below.

Term	Number of children attending	Equivalent part-time attendance¹
summer 2018	26	27
autumn 2018	19	20
spring 2019	23	24
summer 2019	25	26
autumn 2019	19	20
spring 2020	21	21
summer 2020	21 ²	23
autumn 2020	7	7

3.4 Because of Covid-19 the nursery class was not open in the summer term 2020 and so new parents did not apply for places, resulting in a significant drop in numbers for autumn 2020. The school is concerned for the future viability of the nursery class because there is no guarantee that numbers will increase over the year. While, in order to compensate for Covid-19, the DfE has agreed to fund nursery provision this autumn to the same extent as autumn 2019 this arrangement will not continue to spring 2021.

3.5 As a result of low numbers of children from autumn 2020 nursery age children have been in a foundation stage unit with Reception children.

3.6 According to statutory guidance “Making significant changes (‘prescribed alterations’) to maintained schools the local authority is the proposer and the decision maker for the change, and the statutory process must be followed.

3.7 At the CYPS committee meeting on 14th September 2020 it was agreed to start the initial consultation on closure of the nursery class and raising the school’s lower age range from three to four years, and that once this had been completed to report to this special committee on whether to proceed to the formal representation period and publication of statutory notices.

3.8 The consultation report is in Appendix 1. In summary 19 people responded to the online consultation. No people came to the two public consultation events which were offered on 28th September and 1st October 2020.

3.9 Of those who responded to the online consultation, 13 people (68% of respondents) were in strong disagreement with the proposal to close the nursery class, with five in agreement and one not sure.

¹ Some children were eligible for the extended entitlement to 30 hours free childcare and so took some of their additional entitlement at the nursery class

² This is the number of children who would have attended were the class not closed because of Covid-19

- 3.10 All of those who strongly disagreed with the proposal were current or future parents of children at Hertford Infant and Nursery School. Many commented on the quality of provision offered at the school, the help that the nursery gives to children transferring to the school, the fact that provision is free and that parents are not required to purchase additional sessions which is not always the case in other provision. It was also felt that the nursery had not been promoted sufficiently in the local area.
- 3.11 Of those who agreed with the proposal, comments were made in relation to the nursery's lack of sustainability.
- 3.12 Although there was not general agreement to close the nursery class, it remains the case that there are low numbers of children at the nursery – seven on roll this autumn term and which provides insufficient funds to cover staff and operational costs and overheads.
- 3.13 There is alternative provision in the area with space for local children, including Cherry Tree nursery at Hollingdean Children's Centre which is run by the local authority.
- 3.14 Standalone free provision for the early years free entitlement is available at other early years providers in the city.
- 3.15 For this reason the committee is requested to agree to move to the publication of statutory notices for the representation period, which is a period of four weeks starting on 6th November 2020 and ending on 4th December 2020.
- 3.16 The full statutory proposal information is attached as Appendix 2, and the statutory notice is Appendix 3.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The school has considered keeping the nursery class open but with low numbers of children now and anticipated in the future this is not financially sustainable.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 A report on consultation into the proposal is attached as Appendix 1.

6. CONCLUSION

- 6.1 That the committee agrees to move to the publication of statutory notices for the representation period for the formal closure of the nursery class at Hertford Infant and Nursery School with the school's lower age range raised from three to four years.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Hertford Infant and Nursery School ended the 2019/20 financial year with an overspend of £40,697. This was an improvement from the overspend of £99,317 at the end of 2018/19. The school has worked hard to recover the deficit and the final budget plan for the 2020/21 indicates a balanced budget.
- 7.2 Government guidance offers protection to the school for the low numbers of children in autumn 2020 and the merger of nursery and reception children into a single foundation stage unit should prevent losses in the current year. However, if numbers are not to increase in future, there would be a likelihood that the school would be required to subsidise the nursery from its wider budget and this may result in a negative impact on the school's overall financial position.

Finance Officer Consulted: Steve Williams

Date: 20/10/2020

Legal Implications:

- 7.3 In order to achieve any reorganisation of provision the council must comply with School Organisation legislation - the Education and Inspections Act 2006 (EIA), associated regulations, and statutory guidance published by the Department for Education. Both the legislation and guidance set out the steps which the council must take before making any final decisions on proposals to reorganise school provision.
- 7.4 A formal consultation has now been carried out with all interested parties regarding the closure of the nursery class at Hertford Infant School. If the decision is taken to proceed with the closure proposals following this consultation, statutory notices must be published. There will then follow a period of 4 weeks within which any person may comment or object to the proposals. At the end of this representation period a final decision on the proposals will need to be taken by the Children Young People and Skills committee within two months.

Lawyer Consulted: Serena Kynaston

Date: 20/10/2020

SUPPORTING DOCUMENTATION

Appendices:

1. Hertford Infant and Nursery School Nursery Class Closure Consultation Report
2. Full statutory proposal information for prescribed alterations to Hertford Infant and Nursery School
3. Statutory Notice: Proposal to change the age range of Hertford Infant and Nursery School