

# Brighton & Hove City Council

## Children, Young People & Skills Committee

## Agenda Item 39

**Subject:** Bright Start Nursery Closure Proposal

**Date of meeting:** 9 January 2023

**Report of:** Executive Director – Families, Children and Learning

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**Ward(s) affected:** All

**For general release**

Note: Urgency

By reason of the special circumstances below, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency.

Note: Reasons for urgency

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 a report was requested on 15 December 2022 by Full Council to be presented to Children, Young People and Skills Committee on 9 January 2023.

### **1. Purpose of the report and policy context**

- 1.1 Following the Full Council Meeting on 15 December 2022, this report outlines the proposals for the closure of Bright Start Nursery which is being considered as part of the budget setting for 2023/24.
- 1.2 The report will outline the reasons for the proposal and provide information on the actions to support children to find alternative provision.

### **2. Recommendations**

- 2.1 That Committee notes the information regarding the proposal to close Bright Start Nursery being put forward to Budget Council on 23 February 2023.

### **3. Context and background information**

- 3.1 The Council has a projected budget deficit of £19 million for the financial year 2023/24. Families, Children and Learning (FCL), together with other council Directorates have been asked to identify budget proposals to address this budget gap. The council has had to make extensive savings over the past 10 years due to the £100 million reduction in central government funding. Efficiency savings across services have all been made and the council is now faced with having to propose stopping services in order to address the budget gap in 2023/24.
- 3.2 The proposed closure of Bright Start Nursery is one option which has been put forward for consideration. It is recognised that closure will have a detrimental impact upon the children, their families and staff working at Bright Start Nursery.
- 3.3 Bright Start Nursery is based in the converted Slipper Baths within the Prince Regent Swimming Complex in Brighton. It is a 50 place full day, all year round provision. It is located within the 40% most disadvantaged areas of the city according to the Income Deprivation Affecting Children Index (IDACI). The hourly charge for the nursery is £5.83 which equates to a half day charge of £29.15 (£31.72 including meals) and full day £58.30 (£63.44 including meals).
- 3.4 Bright Start Nursery receives a general fund subsidy of £104k per year and in 2022/23 had an additional £68k pressure funding allocated to prevent a further budget shortfall.
- 3.5 A condition survey on the Slipper Bath building, carried out in 2019, highlighted specific defects and estimated the building required c£500,000 investment going forward. The main purpose of the survey was to establish the condition of the internal and external fabric together with the mechanical and electrical services in order to maintain the building in a good wind and watertight condition over a 15-year forecast. The survey highlighted several areas of work which included brick and stonework; the building's heating system; light fittings; and roofing.
- 3.6 However, the building has deteriorated since the report was carried out and construction industry costs have spiraled by an estimated 46%, which means building costs have significantly increased since the 2019 estimate. Given the current financial constraints, identifying funding to repair and improve the building plus the ongoing running costs is not feasible nor cost-effective.
- 3.7 The nursery is part of the Old Slipper building and is not well suited for nursery provision due to its long narrow layout and lack of free access to a limited outside space.

- 3.8 The nursery currently shares the building, main entrance and associated fire alarm systems with other tenants. A Stage 1 Fire Risk Assessment was carried out in August 2022 and identified several areas in the nursery which need improvement. This includes an upgrade to some of the internal doors and door closers linked to the fire alarm system, and repairs to an external fire escape door. There is blown plaster work, possibly linked to damp in three rooms where the youngest children are based. These rooms will need redecoration if the plaster work issue is resolved, and new flooring and carpets would also be required. Guttering at the rear of the building is clogged with plant growth. This was due to be cleared in the Autumn 2022 however limited access points at the rear of the building has meant that this work remains outstanding
- 3.9 Bright Start Nursery has the highest number of alternative providers compared to other council run nurseries, 47 within 2 miles distance including 5 maintained nurseries or nursery classes as per Appendix 1. The average hourly rate charged by these providers is £6.44
- 3.10 If the closure of Bright Start Nursery is accepted at Budget Council, the proposal would be for it to close after the summer term 2023. This will mitigate as much as possible the impact on children, including those children due to start school, and enable time to support other children into alternative provision.
- 3.11 53% of the children attending Bright Start Nursery will be of school starting age in September 2023 so not impacted by the closure.
- 3.12 12% of children are currently under 2 and would be supported by the Family Hubs and Early Years Team to find alternative provision. 34 of the 47 alternative providers take children under 2 with 33 offering all year-round provision.
- 3.13 All children who receive Additional Support Funding due to their additional needs are school starters so will not need support to find alternative provision. Brighton and Hove Inclusion Support Service will support children with Special Educational Needs and Disability in transition to a new provision including schools.
- 3.14 All two year old children attending Bright Start Nursery and in receipt of the Early Years Free Entitlement will be three by September 2023 and can be supported by the Family Hubs and Early Years Team to find new provision, including with the support of the Childcare Brokerage Officer if necessary. Nurseries commonly have more spaces open in the autumn term which may increase the amount of choice available to parents.
- 3.15 62% of children attending Bright Start Nursery have an ethnic background other than white British. The Ethnic Minority Achievement Service will use Home School Liaison Officers to support families in finding a new setting and where appropriate this support would be provided in their home language. They would liaise with new settings and provide bilingual support where appropriate.

- 3.16 There will be close liaison where a child has a social worker to ensure appropriate alternative provision is identified, in line with their assessed needs.

#### **4. Analysis and consideration of alternative options**

- 4.1 Consideration has been given to moving Bright Start Nursery to Tarner Children's Centre but to achieve the budget saving this would need to be a smaller term time only provision with limited sessions. Additionally, the space at Tarner Children's Centre which has been used previously, is now being used to deliver other services.
- 4.2 Closing Bright Start Nursery will achieve the budget savings required and with a summer closure the impact on children will be mitigated as far as possible. The building is not well suited for nursery provision and needs investment in its maintenance over the next few years as outlined in 3.5.

#### **5. Community engagement and consultation**

- 5.1 If the proposal to close Bright Start Nursery is accepted at Budget Council, a formal consultation process with affected staff will commence.
- 5.2 If the closure proposal proceeds, parents of children attending the nursery will be invited to feedback on the proposal.

#### **6. Conclusion**

- 6.1 The closure of Bright Start Nursery will enable the proposed budget saving to be achieved, albeit part year for 2023/24 but full year thereafter, and will avoid costly building repairs. Closing the nursery after the summer term 2023 will mitigate the impact on the children. 53% of the children currently attending Bright Start Nursery are due to start school in September 2023. This timeline will also give sufficient time for families who continue to require early years care for their child to find alternative provision. Support around this will be provided via the council's Family Hubs and Early Years Team, Ethnic Minority Achievement Services and Brighton & Hove Inclusion Support Service.

#### **7. Financial implications**

- 7.1 Bright Start Nursery is funded through a combination of council general fund, income from the Early Years Block of the Dedicated Schools Grant (DSG) and fee income from parents / carers. For the 2022/23 financial year, the initial permanent council general fund budget allocation was £0.104m. This is effectively a subsidy provided by the council. The funding from the DSG relates to the free entitlement provision and additional support funding for pupils with high needs.
- 7.2 There are also potential future capital cost implications should the nursery remain open. These are set out in paragraph 3.5 and indicate £0.500m investment will be required.

Name of finance officer consulted: Steve Williams Date consulted (21/12/22):

## **8. Legal implications**

- 8.1 The decision as to whether or not to close the nursery will be made at Budget Council as described in the body of the report. There is no legal obligation on the council to provide a council run nursery. Section 11 of the Childcare Act 2006 places a duty on all local authorities to undertake a Childcare Sufficiency Assessment (CSA) defined as 'sufficient to meet the requirements of parents in the local authority's area who require childcare in order to enable them to: take up, or remain in, work; undertake education or training which could reasonably be expected to assist them in obtaining work'.
- 8.2 Any council-run facility needs to be run to industry standards, including the suitability, safety and upkeep of the building.

Name of lawyer consulted: Natasha Watson      Date consulted: 6.01.2023

## **9. Equalities implications**

- 9.1 An equalities impact assessment has been completed for the proposed budget savings.
- 9.2 The Public Sector Equality Duty requires councils to show that they have consciously thought about the three aims of the PSED as part of the process of decision-making. These are: eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. The PSED does not prohibit a public body from taking a decision that may have a negative impact on a group of people on the basis of their protected characteristics. However, it requires that we have considered this, published our consideration and have explored and actioned mitigating activities. To this end having carried out and published an Equality Impact Assessment on the potential changes to the nursery provision and having identified that a group of service users may be disproportionately impacted because of their protected characteristics, in this instance their ethnicity and disability, a range of mitigating actions have been identified and will be taken should the proposal proceed. These actions include several council services including the Family Hubs, Early Years Team, Brighton & Hove Inclusion Support Service and Ethnic Minority Achievement Service working closely with the affected families to move to alternative suitable nursery/childcare provision, using the sufficiency information available with commitment to ensuring the needs of these children are met.

## **Supporting Documentation**

### **1. Appendices**

#### 1. Alternative Providers