

# **CHILDREN, YOUNG PEOPLE & SKILLS COMMITTEE ADDENDUM**

**4.00PM, MONDAY, 26 OCTOBER 2020**

**VIRTUAL MEETING - TEAMS**

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## **ADDENDUM**

<b>ITEM</b>		<b>Page</b>
<b>32</b>	<b>HERTFORD INFANT &amp; NURSERY SCHOOL - FORMAL CONSULTATION ON CLOSURE OF NURSERY CLASS</b>	<b>5 – 22</b>
	Report of the Interim Executive Director for Families, Children & Learning.	

<b>Subject:</b>	<b>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</b>		
<b>Date of Meeting:</b>	<b>26<sup>th</sup> October 2020</b>		
<b>Report of:</b>	<b>Interim Director, Families Children and Learning</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Vicky Jenkins</b>	<b>Tel: 01273 296110</b>
	<b>Email:</b>	<b>vicky.jenkins@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

## **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 14<sup>th</sup> September, the consultation did not close until 16<sup>th</sup> 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 1<sup>st</sup> 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.

<b>Term</b>	<b>Number of children attending</b>	<b>Equivalent part-time attendance<sup>1</sup></b>
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 <sup>2</sup>	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 14<sup>th</sup> 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 28<sup>th</sup> September and 1<sup>st</sup> 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 in agreement and one not sure.

<sup>1</sup> 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

<sup>2</sup> 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 6<sup>th</sup> November 2020 and ending on 4<sup>th</sup> 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

**APPENDIX 1**

**Brighton & Hove City Council**

**Early Years and Childcare**

**Hertford Infant and Nursery School Nursery Class Closure Consultation Report**

**October 2020**

## **1. Introduction**

Hertford Infant and Nursery School is a community maintained school with a nursery class which currently offers part-time free early education to three and four year olds (the early years free entitlement, EYFE).

From 16<sup>th</sup> September to 16<sup>th</sup> October 2020 Brighton & Hove City Council ran a public consultation about a proposal to close the school's nursery class with effect from September 2021 and as a result to raise the school's lower age range from three to four years.

Respondents could submit their feedback via online consultation on the council's portal, by email, or through two public consultation events held on 28<sup>th</sup> September and 1<sup>st</sup> October 2020.

19 people responded to the online consultation. There were no responses by email, and no-one attended the two public consultation events.

The majority of respondents strongly disagreed with the proposal to close the nursery class (68%) with 27% in agreement.

## **2. Main Findings from the Online Consultation**

The main findings from the online consultation are summarised below.

The majority of respondents 13 people (68%) strongly disagreed with the proposal to close the nursery class.

Five respondents (11%) strongly agreed/tended to agree with the proposal.

One respondent (5%) didn't know/wasn't sure about the proposal.

All but one who disagreed with the proposal were current or future parents of children at the school.

All but one who agreed with the proposal were managers/owners/other staff from local childcare provision; staff at Hertford Infant and Nursery School; headteacher/staff person/governor at local maintained primary school.

Nine respondents were planning to send their child to the nursery class in the future, and of these eight (89%) strongly disagreed with the proposal.



### 3. Who responded?

The table below shows who responded to the online consultation.

Category	Number of responses <sup>1</sup>
Parent of a child at Hertford Infant and Nursery School nursery class	8
Parent/grandparent of a child/children not at Hertford Infant and Nursery School nursery class	8
Staff at Hertford Infant and Nursery School	1
Manager/owner/staff person from other local childcare provision	2
Headteacher/staff person/governor at a local maintained primary school	1

### 4. Respondents agreement/disagreement in principle with the proposed closure of the nursery class

Respondents were asked whether they agreed or disagreed in principle to the closure of the nursery class and the raising of the lower age range from three to four.

The majority, 68% of respondents, (13 people) said they strongly disagreed with the proposal to close the nursery class. Eleven per cent (five people) stated that they tended to agree/strongly agreed with the proposal. The remaining respondent said that they didn't know/were not sure.

Details of responses by type of respondent are in the table below.

<sup>1</sup> One person responded as both a parent of a child at the nursery class and a child not at the nursery class, but their views are only counted once



		Parent of child/ children at Hertford Infant and Nursery School nursery class	Parent/grand parent of child/ children not at Hertford Infant and Nursery School nursery class	Staff at Hertford Infant and Nursery School	Manager/ owner/staff person from other local childcare provision	Headteacher /staff person/ governor at local maintained primary school	All respondents
	Strongly agree	1	0	1	0	1	3
		12%	0%	100%	0%	100%	16%
	Tend to agree	0	0	0	2	0	2
		0%	0%	0%	100%	0%	11%
	Strongly disagree	6	7	0	0	0	13
		75%	100%	0%	0%	0%	68%
	Don't know/ not sure	1	0	0	0	0	1
		12%	0%	0%	0%	0%	5%
	<b>Total</b>	<b>8</b>	<b>7</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>19</b>

## 5. Who intended to send their child(ren) to the nursery class in future?

Respondents were asked: "Before you heard about this proposal, were you planning to send a child to the nursery class in future?"

Of those responding, nine people were planning to send their child to the nursery class in the future, and of these eight (89%) strongly disagreed with the proposal, with the other person responding don't know/not sure.

## 6. Respondents' comments

Respondents were asked if there was anything they wanted to tell us about the reason for their answer and 13 people (68% did so).

The reasons given against closing the nursery class were:

- The nursery has a positive impact on managing children's transition to the school, including their emotional well-being. This was the most common reason given.
- The high quality of provision at the nursery, the fact that it provides a safe and nurturing space, and comparison with other local provision in that it is smaller, and non-denominational
- A concern that the closure of the nursery class could jeopardise the future of the school itself
- A desire to send younger children to the nursery in the future, having sent elder children there, and the ability to drop off/pick up siblings from the same location
- The fact that EYFE is free for 15 hours a week; this offer is more difficult to come by at private nurseries which tend to be more restrictive in their offer of free hours; some parents are not able to afford to pay for additional hours

A number of respondents commented that the nursery had not been publicised well-enough in the local community and that it should be promoted further before considering closure.

The only reason given in favour of closing the nursery class was its lack of financial sustainability .

## 7. Demographics

The profile of the respondents is shown in the tables below

Age	Number	Per cent
30 - 39	9	47
40 - 49	7	37
50 - 59	1	5
60 - 69	1	5
No response/prefer not to say	1	5

Gender	Number	Per cent
Female	15	79
Male	3	16
No response/prefer not to say	1	5

Identify as sex assigned at birth	Number	Per cent
Yes	18	95
No response/prefer not to say	1	5

Ethnic origin	Number	Per cent
White: English/Welsh/ Scottish/Northern Irish/British	13	68
Asian or Asian British: Any other Asian Background	1	5
Asian or Asian British: Indian	1	5
Mixed: Asian and White	1	5
Any other White background	1	5
No response/prefer not to say	2	10

Sexual orientation	Number	Per cent
Heterosexual/'Straight'	16	84
No response/prefer not to say	3	16

<b>Religion/belief</b>	<b>Number</b>	<b>Per cent</b>
None	7	37
Christian	5	26
Atheist	3	16
Agnostic	1	5
Jewish	1	5
No response/prefer not to say	2	10

<b>Are you currently serving in the UK armed forces?</b>	<b>Number</b>	<b>Per cent</b>
No	17	80
No response/prefer not to say	2	10

<b>Have you ever served in the UK armed forces?</b>	<b>Number</b>	<b>Per cent</b>
No	17	80
No response/prefer not to say	2	10

<b>Are you a member of a current or former serviceman or woman's immediate family/household?</b>	<b>Number</b>	<b>Per cent</b>
No	17	80
No response/prefer not to say	2	10

<b>Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?</b>	<b>Number</b>	<b>Per cent</b>
No	13	68
Yes a little	3	16
No response/prefer not to say	3	16

<b>Are you a carer?</b>	<b>Number</b>	<b>Per cent</b>
No	16	84
Yes	1	5
No response/prefer not to say	2	10

Vicky Jenkins  
 Childcare Strategy Manager  
 Early Years and Childcare  
 19<sup>th</sup> October 2020

## **APPENDIX 2**

### **Full statutory proposal information for prescribed alterations to Hertford Infant and Nursery School**

In accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 Brighton & Hove City Council proposes to make prescribed alterations to Hertford Infant and Nursery School with effect from 1st September 2021.

#### **Local authority details:**

Brighton & Hove City Council  
Hove Town Hall  
Norton Road  
Hove  
BN3 3BQ

#### **School details:**

Hertford Infant and Nursery School  
Hertford Road  
Brighton, BN1 7GF

#### **1. Introduction**

Hertford Infant and Nursery School is a community school for children aged three to seven. There are currently 139 pupils on roll. The school includes a nursery class offering 26 part time places.

#### **2. Description of the proposed alteration**

To raise the age range of pupils for whom the school is registered from three to seven to four to seven years of age, and to close the school's nursery class.

#### **3. Implementation date**

It is proposed to raise the age range of pupils for whom the school is registered from three to seven years of age, to four to seven years of age, and to formally close the school's nursery class with effect from 1st September 2021.

#### **4. Reason for the proposed change**

Hertford Infant and Nursery School has a nursery class<sup>1</sup> which offers 26 part time places for early years free entitlement (EYFE) for three and four year old children from the term after their third birthday, in accordance with children's statutory entitlement.

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

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<sup>1</sup> Because of low numbers of children, from September 2020 nursery children have been in an early years foundation stage unit with reception children

unless a nursery class is reasonably full throughout the year there will be pressure on the wider school budget.

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

<b>Term</b>	<b>Number of children attending</b>	<b>Equivalent part-time attendance<sup>2</sup></b>
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 <sup>3</sup>	23
autumn 2020	7	7

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.

This means that fewer children in the spring and summer term will result in the rest of the school subsidising the cost of the nursery class at a time when there is other pressure on the school's budget.

## **5. Initial consultation process**

At the Children, Young People and Skills Committee on 14<sup>th</sup> September 2020 it was agreed to start the process to close the school's nursery class and raise the lower age range from three to four.

The committee paper is attached as Appendix 1.

A consultation document was published on the local authority's consultation portal and distributed to parents of children attending the school. People were given the opportunity to make comments by email. Public meetings at the school were offered on 28<sup>th</sup> September 2020 and 1<sup>st</sup> October 2020.

The consultation document was also shared with local venues including other early education providers.

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<sup>2</sup> 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

<sup>3</sup> This is the number of children who would have attended were the class not closed because of Covid-19

The consultation document is attached as Appendix 2.

## **6. Response to initial consultation**

A report on the initial consultation is attached as Appendix 3.

19 people responded to the online consultation

No-one left comments by email

No-one attended the public meetings

68% (13 people) strongly disagreed with raising the school's lower age range to four, all of who were current parents or future parents of children at the school.

The reasons given against closing the nursery class were:

- The nursery has a positive impact on managing children's transition to the school, including their emotional well-being. This was the most common reason given.
- The high quality of provision at the nursery, the fact that it provides a safe and nurturing space, and comparison with other local provision in that it is smaller, and non-denominational
- A concern that the closure of the nursery class could jeopardise the future of the school itself
- A desire to send younger children to the nursery in the future, having sent elder children there, and the ability to drop off/pick up siblings from the same location
- The fact that EYFE is free for 15 hours a week; this offer is more difficult to come by at private nurseries which tend to be more restrictive in their offer of free hours; some parents are not able to afford to pay for additional hours

A number of respondents commented that the nursery had not been publicised well-enough in the local community and that it should be promoted further before considering closure.

Of those who agreed with the proposal two were owners of other local early years provision, one was a staff member at Hertford Infant and Nursery School, and the other was a headteacher/staff/governor at other local school.

The respondents who gave a reason stated that the nursery could not remain open if it was not sustainable.

## **7. School and local authority response to the consultation**

The local authority values the quality of the nursery education provided by Hertford Infant and Nursery School and acknowledges the value that the nursery adds to the school and community as a whole.

In response to the consultation the head teacher and governors state that ideally they would like to keep the nursery class open, but that they cannot afford to do so. The nursery class has had low numbers previously and they believe that this is likely to be repeated. They feel that the low number of people responding indicates lack of interest in using the nursery class, which has been borne out by admissions numbers. They also feel that there is sufficient alternative provision locally.

The school has publicised the nursery class in the past, but this has not produced an increase in the number of applicants. There are only seven children on roll this autumn term 2020.

However, it should be noted that the latter is likely to be influenced by the process of consultation on closure.

Parents living in Hollingdean and Stanmer ward have other early education options open to them – two full day care and two sessional care providers, as well as childminders who offer EYFE funded places. There is also provision in neighbouring wards.

All early years providers who receive funding for EYFE follow the early years foundation stage. In Brighton & Hove early years settings rate highly for quality by Ofsted, with 98% outstanding/good compared with 96% nationally and 97% in the south east. In Brighton & Hove 25% of early years settings are rated outstanding, compared with 18% nationally and 19% in the south east.<sup>4</sup>

There are other early years providers in the city who offer “standalone” provision for 15 hours a week, without the need to purchase additional hours. There is provision of a variety of different sizes and also that which is non-denominational.

The transition of children from the nursery to the main school is important where a child gets a place in the main school, although there are separate admissions criteria for the nursery and the school and so it is not guaranteed that a child attending the nursery class will also attend the main school.

Children of nursery age are currently in a foundation stage unit with reception children at the school. All current children will be of reception age from September 2021 and so will no longer require nursery provision. The nursery is not admitting any children who will still be nursery age in September 2021 to avoid their needing to transfer to alternative provision.

## **8. Where and when the statutory notice and full proposal information will be available**

Brighton & Hove City Council will publish the statutory notice for this proposal on Friday 6<sup>th</sup> November 2020. The notice will remain in force for a period of four weeks i.e. until Friday 4<sup>th</sup> December 2020. Copies of the notice will be placed on the school web page.

It will also be published in the Brighton & Hove Independent newspaper. A copy of the statutory notice is attached as Appendix 4 to this document.

On Friday 6<sup>th</sup> November 2020 the full proposal information (this document plus appendices) will be sent to the governing body of Hertford Infant and Nursery School

It will also be published on the council's website at the following address

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<sup>4</sup> At 31<sup>st</sup> March 2020



[www.brighton-hove.gov.uk/school-statutory-notice](http://www.brighton-hove.gov.uk/school-statutory-notice)

Any person may request a copy of the full proposal information by emailing Early Years and Childcare [eyc@brighton-hove.gov.uk](mailto:eyc@brighton-hove.gov.uk)

**9. How to make representations or comment on the proposal**

Any person may object or make a representation or comment on the proposal. This can be done by emailing Early Years and Childcare [eyc@brighton-hove.gov.uk](mailto:eyc@brighton-hove.gov.uk) Following the closing date for representations, comments and objections, a report will be prepared for the Children, Young People and Skills Committee to decide the proposal. This report will be considered at their meeting on 11<sup>th</sup> January 2021.



## **APPENDIX 3**

### **Brighton & Hove City Council**

#### **Statutory Notice: Proposal to change the age range of Hertford Infant and Nursery School**

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Brighton & Hove City Council intends to make a prescribed alteration to Hertford Infant and Nursery School, Hertford Road, Brighton, BN1 7GF, from 1<sup>st</sup> September 2021, by changing the age range of the school by one year.

The current age range of the school is 3 to 7. The local authority proposes to raise the lower age range of the school to cater for pupils from 4 to 7.

All applicable statutory requirements to consult in connection with this proposal have been complied with. Brighton & Hove City Council will implement the proposal.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained by contacting [eyc@brighton-hove.gov.uk](mailto:eyc@brighton-hove.gov.uk)

The Full Proposal is also on the Council's website and can be found at [www.brighton-hove.gov.uk/school-statutory-notice](http://www.brighton-hove.gov.uk/school-statutory-notice)

Within four weeks from the date of publication of this proposal (i.e. by 4<sup>th</sup> December 2020), any person may object to or make comments on the proposal by emailing Early Years and Childcare [eyc@brighton-hove.gov.uk](mailto:eyc@brighton-hove.gov.uk) before the closing date of 4<sup>th</sup> December 2020

Signed: Deb Austin

Publication Date: 6<sup>th</sup> November 2020

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