

Subject:	Raising Lower Age Range from Three to Four at Queen's Park and Middle Street Primary Schools		
Date of Meeting:	19th June 2017		
Report of:	Executive Director – Families, Children and Learning		
Contact Officer:	Name:	Vicky Jenkins	Tel: 01273 296110
	Email:	vicky.jenkins@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The head teachers and governing bodies at Queen's Park primary, Middle Street primary and St Marks' CE primary schools expressed the wish to raise the lower age range of their schools by one year from three to four years with consequent closure of their nursery classes because of low numbers of pupils on roll and pressure on the rest of the school budget.
- 1.2 In March 2017 the Children, Young People and Skills committee agreed to start the process for closure of the nursery classes of Queen's Park and Middle Street primary schools. A consultation exercise was carried out and following a delegated decision of the Executive Director – Families, Children and Learning, in consultation with the Chair of CYPS committee, statutory notices were published.
- 1.3 This report provides feedback on the subsequent statutory representation period and seeks a final decision approving the change in age range at both schools.
- 1.4 St Mark's CE primary school, as a voluntary aided school, have carried out their own non-statutory process.

2. RECOMMENDATIONS:

- 2.1 That the Children, Young People and Skills committee should confirm the the proposal contained in the statutory notice and make a final decision to raise the lower age range by one year from three to four years at Queen's Park primary school with the consequent closure of the school's nursery classes with effect from 1st September 2017.
- 2.2 That the Children, Young People and Skills committee should confirm the the proposal contained in the statutory notice and make a final decision to raise the lower age range by one year from three to four years at Middle Street primary school with the consequent closure of the school's nursery classes with effect from 1st September 2017.

- 2.3 That the committee notes that the governing body of St Mark's CE primary school has carried out a non-statutory process and has resolved to raise its lower age range by one year from three to four years and close its nursery class with effect from 1st September 2017.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 All young children are entitled to free early education (the Early Years Free Entitlement, EYFE) from the term after their third birthday for 15 hours a week, 38 weeks a year. This can also be taken as a stretched entitlement of 570 hours across the year. Some disadvantaged children receive EYFE from the term after their second birthday
- 3.2 Parents can take their EYFE at any early years provider on the Ofsted early years register or at a maintained or independent school with a nursery class, or at a maintained nursery school.¹
- 3.3 Queen's Park, Middle Street and St Mark's CE primary are maintained schools with nursery classes offering EYFE. Each class has 50 places and offers parents morning or afternoon sessions, or a mixture of the two. The offer is consistent with the universal entitlement of all three and four year olds to free early education.
- 3.4 The three schools in question have had low numbers of children enrolling in their nursery classes resulting in the rest of the school budget having to subsidise nursery provision. Details of the level of subsidy are set out in the full proposals (Appendix 1 for Queen's Park primary school and Appendix 4 for Middle Street primary school).
- 3.5 DfE statutory guidance, "Making 'prescribed alterations' to maintained schools" requires the local authority as the proposer to carry out a statutory process for community schools (Queen's Park and Middle Street primaries). The local authority is also the decision-maker regarding the proposed change. Because of this the head teachers and governing bodies of these schools asked the local authority to complete the process for the change of age range at their schools.

St Mark's CE Primary School

- 3.6 For St Mark's CE primary school, as a voluntary aided school, the process is non-statutory and the governing body is the decision-maker. Therefore the local authority provided guidance for the head teacher and governing body regarding changing the school's age range.
- 3.7 At St Mark's CE primary school there were two parent responses to the consultation, one directly to the school and one via the local authority. The head teacher also discussed the proposals with the Diocese.
- 3.8 At the end of the non-statutory consultation period the governing body of St Mark's CE primary school met (2nd May 2017) and decided to raise the school's lower age range by one year from three to four years and close the nursery class

¹ Early years providers must also be compliant with BHCC's terms and conditions for funding the EYFE in accordance with statutory guidance

with effect from 1st September 2017. The governors noted that they had worked closely with the council's early years team to look at options to keep the nursery open, but that low numbers of children in the nursery class meant that the wider school's budget was subsidising it at a time of considerable pressure. They also noted that there were other childcare providers nearby and stated that parents would be given information regarding alternative provision.

- 3.9 Parents at St Mark's CE primary school have been informed of the decision through the newsletter and the school's website.

Queen's Park and Middle Street Primary Schools

- 3.10 Following the decision to proceed with the statutory process for Queen's Park and Middle Street primary schools an initial consultation was carried out. A report on this stage is in Appendix 1 for Queen's Park primary school and Appendix 2 for Middle Street primary school. The consultation included public meetings for both schools, as well as the opportunity to respond in writing via email and the council's consultation portal. People could also telephone with comments.
- 3.11 The responses received during the consultation were closely analysed, following which the Executive Director – Families, Children and Learning, in consultation with the Chair of CYPS committee, agreed to proceed to the publication of statutory notices to progress the proposals.
- 3.12 Statutory notices were published in the Brighton & Hove Independent on 28th April 2017 as well as at both school sites, on school websites, on the council's website and in other local venues. The school organisation department of the Department for Education was also informed. Copies of statutory notices are attached as Appendix 3 for Queen's Park primary school and Appendix 4 for Middle Street primary school.
- 3.13 The full proposals which set out the rationale for the change at each school are attached as Appendix 5 for Queen's Park primary school and Appendix 6 for Middle Street primary school.
- 3.14 During the formal representation period for Queen's Park primary school there were four parents of current or former pupils of the nursery who submitted comments by email regarding the proposal, all of whom were against the change. In addition one person submitted comments after the closing date. A report on the comments is attached as Appendix 7.
- 3.15 Comments included a view that the school had not done anything to increase numbers on roll at the nursery; the school had not accepted offers from parents to help with marketing, fundraising and promotion; other maintained nurseries are also closing and in addition the new entitlement to 30 hours free childcare means there may be a lack of places for children elsewhere in the city; the school had not been open with or consulted parents about the difficulties the nursery was facing; the nursery has an excellent reputation and offers high quality early years teaching with dedicated staff; children at the nursery do very well in terms of their development, especially those with special educational needs and disabilities; the nursery is a valuable asset to the school and to the wider community and once lost will be gone forever.

- 3.16 The full report on public responses to the formal representation period is attached as Appendix 7.
- 3.17 During the statutory consultation period the governors at Queen's Park primary school reiterated their desire to close the nursery because of the financial consequences for the wider school budget, should it remain open.
- 3.18 There were no comments received regarding the proposal for Middle Street primary school during the formal consultation period.
- 3.19 Head teachers and governing bodies of both schools have considered keeping their nursery classes open, including moving to half time and waiting to see if the increase in the entitlement to 30 hours free childcare for working parents of three and four year olds would increase nursery occupancy. They also considered taking two year olds in their nursery classes. They concluded however that none of these options would improve the viability of the nursery provision, and that significant pressure on the schools' wider budget would remain.
- 3.20 At Queen's Park primary school there are currently 26 children on roll. In addition some additional sessions have been purchased by parents representing the equivalent of approximately one additional place. Of the 26 children 12 will still be of nursery age in September 2017 and would stay in the nursery if it remained open. In addition there are four children on the waiting list to start in September 2017. Should these children start the autumn term number would be 16 children, which amounts to 32 per cent occupancy.
- 3.21 At Middle Street primary school there are currently 17 children on roll. In addition some additional sessions were purchased by parents representing the equivalent of approximately one additional place. Of the 17 children four will still be of nursery age in September 2017 and would stay in the nursery if it remained open. In addition there are five children on the waiting list to start in September 2017. Should these children start the autumn term number would be nine children, which amounts to 18 per cent occupancy.
- 3.22 Should the nursery classes close the families of children currently attending who will still be of nursery age in September 2017 will be supported by the Family Information Service to find alternative provision.
- 3.23 There are other early years and childcare options for parents living in the Queen's Park and Middle Street areas. In Queen's Park there are two maintained providers close to the school: Turnerland nursery school with 100 places for three and four year olds and Royal Spa nursery school with 80+ places. In central Brighton where Middle Street primary school is located there are two other maintained schools with nursery classes: St Paul's CE primary school (mornings only) and St Mary Magdalen Catholic primary school.
- 3.24 In both areas there is also a range of private, voluntary and independent provision. Our [Childcare Sufficiency Assessment](#) 2016 reported on childcare provision in the city, and quality, based upon Ofsted inspection judgements, is high compared with national data. A parent survey in the CSA did not report any shortage of childcare.

- 3.25 Staff who work in the nurseries have been consulted on the proposals.
- 3.26 Following completion of the statutory representation period the head teachers and governing bodies of Queen's Park and Middle Street primary school have requested that the local authority as the decision making body raise the lower age range of both schools from three to four years and close their nursery classes.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 These are outlined in paragraph 3.19.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Details of community engagement and consultation are outlined in paragraphs 3.10, 3.12 and 3.14.

6. CONCLUSION

- 6.1 The local authority values the high quality of education provided by Queen's Park and Middle Street primary school nursery classes and understands the extent of opposition to closure of the nursery class at Queen's Park primary school and the impact that this will have on some children and families.
- 6.2 However the current arrangements for funding schools and their nursery provision means that, with very low numbers of children attending, it would not be reasonable for the local authority to expect these schools to keep their nursery classes open. Doing so would mean an unjustifiable negative impact on the rest of the schools' budgets.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The low occupancy of the nursery classes means that the three schools are receiving an inadequate level of funding through the early years single funding formula to support full time (50 place) nursery classes. As a consequence the schools are subsidising nursery provision from the wider school budget at a time when there are significant cost pressures. All three schools finished the 2016/17 financial year with budgets in a deficit position.

Finance Officer Consulted: Steve Williams

Date: 16/05/07

Legal Implications:

- 7.2 A decision must now be taken on the proposals to raise the lower age range of Queen's Park and Middle Street Community Primary schools. The Education and Inspections Act 2006 sets out who decides proposals for prescribed alterations to maintained schools. In the case of these proposals the decision maker is the Local Authority. The Children, Young People and Skills Committee will act as the decision maker for the Local Authority.

- 7.3 DfE 'Guidance for Decision Makers' (April 2016) provides that the decision maker must be satisfied that the appropriate fair and open consultation and representation period has been carried out and that the proposer has given full consideration to the responses received. The decision maker should not simply take account of the number of people expressing a particular view. Instead the Guidance provides that the greatest weight should be given to responses from those stakeholders likely to be directly affected by the proposals, including parents of children at the affected schools.

Lawyer Consulted: Serena Kynaston

Date: 19/05/2017

Equalities Implications:

SUPPORTING DOCUMENTATION

Appendices:

1. Initial consultation report Queen's Park primary school
2. Initial consultation report for Middle Street primary school
3. Statutory notice Queen's Park primary school
4. Statutory notice Middle Street primary school
5. Full proposals Queen's Park primary school
6. Full proposals Middle Street primary school
7. Report on responses to formal representation period Queen's Park primary school

Documents in Members' Rooms

1. DfE 'Guidance for Decision Makers' April 2016

Background Documents

1. None