

Subject:	Consultation on Closing Maintained School Nursery Class – Hertford Infant School		
Date of Meeting:	14th September 2020		
Report of:	Interim Director, Families, Children and Learning		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The head teacher and governing body at Hertford Infant School propose to close their nursery class, following a meeting of the full governing body on 14th July 2020.
- 1.2 Closure is proposed because of low numbers of children enrolled for the autumn term 2020 and for the spring term 2021, the fact that low numbers are expected to continue in future years, and consequent pressure on the school's budget.
- 1.3 The local authority has to be the proposer regarding this closure and the statutory process must be followed. The initial consultation would be followed by statutory notices with a full proposal to close the nursery class by raising the school's lower age range from three to four.

2. RECOMMENDATIONS:

- 2.1 That in accordance with DfE statutory guidance ***Making significant changes ('prescribed alterations') to maintained schools (October 2018)*** committee considers the request of the school to start the process to close the nursery class, taking into account the information in this paper.
- 2.2 That, subject to findings from the initial consultation stage, a decision on whether or not to proceed to statutory notices with full proposals is made at a special meeting of the CYPS committee.
- 2.3 That at the end of the statutory notice period, a decision on whether or not to proceed with closure of the nursery class is taken at the January 2021 Children, Young People and Skills Committee.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Hertford Infant School has a nursery class which offers part-time free early education to three and four year olds (the early years free entitlement, EYFE). The class has 26 places and is open for 2.5 days a week. The offer is consistent with the universal entitlement to free early education of all three and four year

olds, 15 hours a week, 38 weeks a year. Parents entitled to 30 hours free childcare (the extended entitlement) can take part of this extended entitlement at Hertford through accessing the breakfast and after-school club, and so can receive three full days of free childcare.

- 3.2 The local authority receives funding for the early years free entitlement through the early years block of the dedicated schools grant. 95% of this funding is passed on to all types of early education providers in the city using a locally agreed funding formula, with the local authority retaining 5% of the total budget for central costs. The gross funding rate for Brighton & Hove, at £4.53 per hour for three and four year olds, is the lowest of any unitary local authority in the south east.
- 3.3 The hourly rate for Hertford Infant School, calculated by the locally agreed funding formula, is £4.40 per child per hour. If the number of children enrolled is insufficient to cover nursery costs there will be pressure on the wider school budget.
- 3.4 In recent years the number of children receiving their EYFE at maintained school nursery classes has fallen throughout the city. This may be the result of demographic changes in certain neighbourhoods, resulting in a lower number of young children living in the area, and/or parental preference for the more flexible early years provision which is offered by the private, voluntary and independent sectors (PVI). PVI provision tends to be open for longer hours and for more weeks a year and therefore more suited to the needs of working parents.
- 3.5 All disadvantaged two year olds are entitled to EYFE and have taken this up in the PVI sector as this provision takes children from age two. Children then remain in PVI settings and do not move on to school nursery classes at the age of three. Hertford decided not to accept two year olds¹ because there was no separate space for these children, which the school felt would be in their best interests and meet their developmental needs. In addition the required 1:4 ratio makes two year olds more costly than three and four year olds and therefore it was felt that this would not improve financial sustainability.
- 3.6 Attendance data for recent terms is as follows

Term	Number of children attending	Equivalent part-time attendance²
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	23

¹ Note that statutory process would be required to lower the school's age range to take two year olds

² 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

- 3.7 In the autumn term 2020 there will be five children enrolled in the nursery class, and a further five will start in the spring term.
- 3.8 Because of Covid-19 the nursery class was closed for the summer term; only two families wanted their children to return, and both staff members were shielding.
- 3.9 Because the nursery class was closed the school was not able to host open days for prospective parents in the summer term.
- 3.10 While the nursery gets fuller during the academic year the school has calculated that 22 children are needed all year round to make the nursery viable, which they feel is not realistic.
- 3.11 Maintained schools receive a budget for their nursery classes based on the number of children who attended in the previous financial year, which is adjusted each term according to headcount. If numbers are lower than expected funding is clawed back from the school's budget. In normal circumstances early years funding cannot fund empty places. The number of children in a maintained school nursery class is always lowest in the autumn term as the previous cohort of children have left to go to school. Numbers grow through the school year as more children become eligible for EYFE as they reach the term after their third birthday.
- 3.12 Information on numbers of children and clawback of early years funding is set out below and shows that the nursery deficit has increased in the past two years. Actual and projections (based on anticipated number of children) for the current financial year are shown but will be adjusted based on the actual number of children attending in the spring term.

	Estimated children	Actual Children	Difference		Indicative Annual Budget	In-year Budget Adjustments
2018/19						
Summer term	26	26	0		£52,340	-£156
Autumn term	18	19	1			£1,073
Spring term	19	23	4			£2,684
					Total	£3,601
2019/20						
Summer term	26	25	-1		£55,006	£-624
Autumn term	19	19	0			£180
Spring term	23	21	-2			£-1,680
					Total	-£2,124
2020/21						
Summer term	25	21	4		£56,712	-£2,704
Autumn term	18	19 (funded)	1			£965
Spring term	21	10 (projected)	-11			-£7,547
					Total	-£9,286

- 3.13 Guidance released by the DfE on 21/7/20 (after the governing body made their decision to request closure) states that local authorities should fund early years

providers in the autumn term based upon the numbers of children they would have expected had there not been a pandemic. This means that, subject to further review of the guidance by the local authority, Hertford should be funded for 19 children in the autumn term. The guidance states that from January 2021 the normal funding process will be in place, and so if numbers at the nursery class do not increase from the 10 children anticipated in the spring term there will be a significant clawback.

- 3.14 The school does not wish to change its decision as a result of this information from the DfE regarding autumn term funding. This is because they do not feel that the nursery is viable in the long term because of population changes and alternative provision in the area; because they do not feel able to manage cost overruns that may easily occur for example as a result of staff absence or making provision for SEN; and because even with their most optimistic assessment of costs they believe that the nursery will not break even over the course of the academic year.
- 3.15 More parents may enrol their children as the nursery reopens in September, but it is not clear yet clear what the impact of Covid-19 will be in terms of parents' working and employment patterns and nursery choice.
- 3.16 Because of the low number of nursery children enrolled in the autumn term the school plans to create a foundation stage unit with reception children, which will have space for up to 10 nursery children.
- 3.17 Information on the school's wider budget is set out in the finance comments below.
- 3.18 The council greatly values the high quality of provision in the nursery class and the council's early years strategy supports maintained provision in the city. However the council is unable to offer additional funding.
- 3.19 Consultation regarding closure would be based on sufficient alternative provision for children in all the area. In Hollingdean there are two other providers, both within walking distance of Hertford Infant School.
- Cherry Tree Nursery all year round council-run provision for children from birth to five and based at Hollingdean children's centre
 - St Joseph's Pre-school Playgroup privately run term-time only and located at St Joseph's Catholic Primary School, which takes children from two to five.
- 3.20 Cherry Tree Nursery has a maximum of 52 places, 40 of which are for two, three and four year olds. Each of these places can take three two, three or four year olds for 15 hours a week of EYFE. Generally numbers of children have been going down at Cherry Tree, but with additional staff more children could be taken to reach its full capacity.
- 3.21 Closure of Hertford nursery class may result in an increase in numbers at Cherry Tree nursery, making it more sustainable. However, parents can chose where they send their child for nursery provision, and so will not necessarily go to another local provider.

- 3.22 More widely, for parents of young children in Brighton & Hove our [Childcare Sufficiency Assessment 2018](#) did not find any gaps in provision. However it is not guaranteed that this situation will continue following disruption to the childcare market because of the pandemic.
- 3.23 While they have separate admissions procedures, a nursery class can draw in prospective parents for the school itself.
- 3.24 The process for the proposal to close the nursery class and raise the lower age range to four would start with consultation with
- Parents of pupils at the school
 - The governing body
 - Neighbouring schools and nurseries
 - Ward members
 - The local authority (which is the decision maker).
- 3.25 Consultation should take place after this committee's decision to proceed.
- 3.26 Following consultation a decision will need to be taken whether or not to proceed to the publication of a statutory notice. It is proposed that this decision is made at a special meeting of the CYPS committee.
- 3.27 The statutory notice has to be published in a local newspaper and at the entrances to the school as well as other appropriate venues such as libraries and post offices. Information would also be published on the council's and the school's website.
- 3.28 The full proposal in the statutory notice will include
- School and local authority details;
 - Description of alteration and evidence of demand;
 - Objectives (including how the proposal would increase educational standards and parental choice);
 - The effect on other schools, academies and educational institutions within the area;
 - Project costs and indication of how these will be met, including how long term value for money will be achieved;
 - Implementation and any proposed stages for implementation; and
 - A statement explaining the procedure for responses: support; objections and comments.
- 3.29 Following publication there is a four week representation period during which any person or organisation can submit comments on the proposal. A decision must then be taken on the proposals within two months of the end of the representation period. It is proposed that this decision be taken at the January 2021 meeting of the Children, Young People and Skills Committee.
- 3.30 The proposed timetable is as follows

Date	Action
14 th September 2020	Decision of CYPS to proceed with process for closure of nursery class

15 th September to 15 th October 2020	Consultation period
16 th October to 30 th October 2020	Analysis of responses received during the consultation and special meeting of CYPS committee on whether to proceed to publication of statutory notices
6 th November 2020	Publication of statutory notices in Brighton & Hove Independent
6 th November to 4 th December 2020	Four week representation period following publication of statutory notices
11 th January 2021	Decision on whether to proceed with closure at Children, Young People and Skills Committee
TBA	Implementation

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.7 The school has considered taking two year olds but has decided not to pursue this, as outlined in paragraph 3.3.

5 COMMUNITY ENGAGEMENT & CONSULTATION

5.7 The school has consulted its governors about the proposal to close the nursery class.

5.8 This report proposes consultation regarding closure of the nursery class and raising the school's lower age range to four.

5.9 Staff and union consultation will take place during the formal representation period

6. CONCLUSION

6.1 The committee considers starting the process as outlined in the report for closure of the nursery class at Hertford Infant School, in accordance with the timetable outlined in paragraph 3.28.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 Hertford Infant School ended the 2019/20 financial year with an overspend of £40,697. This was in 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. Further work would be required to identify whether, and to what extent, the school is subsidising the nursery from its wider budget.

7.2 The recently released government guidance offers protection to the school for the low numbers of children in autumn 2020 but if numbers do not increase in spring term 2021 this is likely to have a negative impact on the school's financial position.

Finance Officer Consulted: Steve Williams

Date: 21/07/20

Legal Implications:

7.3 In order to remove the nursery provision and alter the lower age range in a community school the Local Authority must comply with the School Organisation legislation, (the Education and Inspections Act 2006), and statutory guidance, "Making 'prescribed alterations' to maintained schools" published by the Department for Education. As set out in the body of the report this statutory process requires the Local Authority to carry out consultation on the proposed changes, to publish statutory notices which are followed by a four week representation period, and to make a final decision within two months of the end of the representation period.

Lawyer Consulted: Serena Kynaston

Date: 24/07/2020

Equalities Implications:

Any equalities implications which emerged during the process of making the changes to this school will be considered as part of the statutory process. Any equalities impacts on staff will be considered through the normal consultation processes which include one to one meetings for staff during which any concerns can be discussed.

SUPPORTING DOCUMENTATION

Appendices:

- 1.
- 2.

Background Documents

- 1.
- 2.
- 1.4

