

Subject:	Hertford Infant and Nursery School: Raising Lower Age Range of School from Three to Four Years and Closure of the Nursery Class		
Date of Meeting:	11th January 2021		
Report of:	Interim Executive Director Families, Children and Learning		
Contact Officer:	Name:	Vicky Jenkins	Tel: 01273 296110
	Email:	vicky.jenkins@brighton-hove.gov.uk	
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 and Nursery School have asked the local authority to raise their school's lower age range by one year from three to four years with the consequent closure of their nursery class. The request has been made because of low pupil numbers and consequent pressure on the rest of the school budget.
- 1.2 This proposal has now completed its statutory consultation phase (representation period) and the committee now needs to make a final decision..

2. RECOMMENDATION:

- 2.1 That the committee confirms the proposal contained in the statutory notice to raise the lower age range by one year from three to four years and close the nursery class at Hertford Infant and Nursery School with effect from 1st September 2021

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 At the request of the head teacher and governing body at Hertford Infant and Nursery School the Children, Young People and Skills committee which met on 14th September 2020 agreed to start the process for closure of the school's nursery class.
- 3.2 The reason for closure relates to low numbers of children in the nursery class and consequent lack of financial viability. Details are set out in the reports to committee on 14th September 2020 and 26th October 2020.
- 3.3 An initial consultation was carried out and the results of this were reported to a Special Children, Young People and Skills Committee meeting on 26th October 2020.

- 3.4 That special meeting agreed that the proposal should move to the statutory consultation/representation phase.
- 3.5 The statutory consultation took place for a four week period from 6th November to 4th December 2020.
- 3.6 The statutory notice is attached as appendix 1. The full proposal is appendix 2 and the consultation report is appendix 3.
- 3.7 The statutory notice was published in the Brighton & Hove Independent on 6th November 2020. It was also
- given to Hertford Infant and Nursery School's head teacher and governing body
 - published by Hertford Infant and Nursery School on its website, along with associated documents
 - published on Brighton & Hove city council's statutory notice page and its news pages
 - published on Brighton & Hove city council's schools' bulletin
 - sent to all early years and childcare providers in the city
 - posted with a covering letter to all households in the Hollingdean and Stanmer ward with a child aged two or under (308 households)
- 3.8 Results of statutory phase of consultation (representation period)
- Six emails sent objecting to closure
 - 270 signatures on a petition at 38 degrees entitled "Save Hertford Nursery School"¹
- 3.9 Reasons for objecting to the proposal included
- Lack of marketing of the nursery by the school, and consequently local people were unaware of its presence
 - Failure to publicise consultation on closure sufficiently; the fact that consultation on closure had started meant that parents were then unlikely to send their child to the nursery
 - Excellent teaching and care of children, including warm atmosphere which is small and friendly
 - Excellent progress made by children who attend the nursery
 - Effect on other provision in the area, including whether sufficient alternative provision exists
 - Effect on the school as the nursery acts as a feeder
 - The benefit to children of attending nursery and school on the same site
 - The benefit to parents of having nursery and school-age children on the same site
 - Inability to access the full early years free entitlement at other early years providers – that there are few completely free places offered elsewhere and consequent impact on low income families
 - More families may move into the area as accommodation which was previously let to students was not taken up and is now available for families
 - That the proposal should be reconsidered after the pandemic

¹ At 5th December 2020. A link to the petition was sent to the consultation email address but the petition itself had not been sent to the council by the end of the representation period.

- 3.10 The reasons for objection were similar to those received during the initial consultation phase. In response to these
- 3.11 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.
- 3.12 The school remains concerned for the future viability of the nursery class because there is no guarantee that numbers will increase over the year. In order to compensate for Covid-19 the DfE agreed to fund nursery provision in autumn 2020 to the same extent as autumn 2019. The DfE has not yet any guidance about whether this arrangement will continue to spring 2021.
- 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, including at Cherry Tree Nursery

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 during the representation phase is attached as appendix 3.

6. CONCLUSION

- 6.1 The council values the excellent and high quality provision at Hertford Infant and Nursery School nursery class and the role that it plays in the local community but is unable to provide financial support to ensure that it is sustainable in the future.
- 6.2 For this reason and following the completion of the representation period the committee is requested to agree to raise the lower age range of the school and close the nursery class with effect from 1st September 2021

7. FINANCIAL & OTHER IMPLICATIONS:

Financial 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: 03/12/20

Legal Implications:

- 7.3 A decision must now be taken on the proposals to raise the lower age range of Hertford Infant and Nursery School. 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.
- 7.4 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: 8th December 2020

Equalities Implications:

- 7.5 Parents of pre-school children will be able to take up EYFE at alternative early years providers in the city

SUPPORTING DOCUMENTATION

Appendices:

1. Statutory Notice
2. Full Proposal
3. Consultation Report

