

Birmingham City Council

Report to Cabinet Member for Education Skills and Culture

29th November 2019



Subject: PROPOSAL TO ALTER THE AGE RANGE TO REMOVE NURSERY PROVISION AT NEW HALL PRIMARY SCHOOL

Report of: Dr Tim O'Neill
Director of Education and Skills

Relevant Cabinet Member: Councillor Jayne Francis, Education Skills and Culture

Relevant O &S Chair(s): Councillor Kath Scott, Education & Children's Social Care

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Sutton Reddicap		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

1.1 To seek the determination of a statutory proposal to:

Alter the age range of New Hall Primary School from 3 – 11 years to 4 -11 years to remove the nursery provision.

2 Recommendations

That the Cabinet Member for Education, Skills and Culture;

- 2.1 Approves, having taken into account the statutory guidance, the statutory proposal to alter the age range to remove the nursery provision at New Hall Primary School with effect from 31st December 2019.

3 Background

- 3.1 New Hall Primary School is a one form entry community primary school with an admission number in reception of 45. The school is situated in the Sutton Reddicap ward in the Sutton district of the City. The age range of the school is 3 – 11 years. The school has a 52 full time equivalent (FTE) nursery class that can offer 104 part time nursery places. As at September 2019 there were no pupils on roll in the nursery class.
- 3.2 The Local Authority is proposing to alter the age range of New Hall Primary School from 3 -11 years to 4 – 11 years to remove the nursery provision. The nursery has been operating at approximately 13% capacity due to a large supply of nursery provision in the area.
- 3.3 There is currently an over-supply of 49 early Education and Childcare provision (0-4 age range) in Sutton Reddicap ward, in which New Hall Primary is situated.
- 3.4 There is an over-supply of 436 full-time equivalent places across Sutton Coldfield as whole, which includes Walmley, Minworth, Roughley and Trinity wards as well as Reddicap. In addition to the number of nursery places in Sutton, there are also a number of local, voluntary and independent childcare providers within the local area.
- 3.5 The nursery provision is currently funded through Early Education Entitlement funding for eligible 3 and 4 year olds based on actual termly attendance. Nurseries operating with a large number of unfilled places can be a risk to the financial viability and sustainability of the nursery which can impact on the budget of the school.
- 3.6 Due to the previous low numbers on roll, the cost of providing the nursery provision at New Hall Primary School was costing more than the amount of money received. The removal of the nursery provision from the school would provide savings and would avoid any pressure on the school budget.
- 3.7 The school has been working in collaboration with the Early Years and Childcare team at the Local Authority who support the proposal to close the nursery.
- 3.8 Should the proposal to alter the age range and remove the nursery be approved there will be no impact on pupils, as at the start of the September 2019 there were no pupils on roll in the nursery class. There are sufficient nursery providers in the area to accommodate current and future nursery pupil numbers

that are forecast in the area. The closure of the nursery may indeed help the sustainability of other nursery providers.

- 3.9 Should the proposals be approved the current nursery space will be used by the school's breakfast and before and after school clubs.
- 3.10 The school is currently engaging with staff about the future structure of roles across the school. There will be no staff reductions. Should the proposal be approved the nursery staff will be redeployed within the school to alternative roles of the same grade. There will be no changes to staff terms and conditions.
- 3.11 In compliance with DFE guidance and best practice, a pre-publication letter was sent out to pupils, parents and carers on 17th June 2019 advising of the forthcoming statutory consultation and inviting for any initial questions or comments be directed to the school or the School Organisation Team. A copy of this letter can be found in Appendix 1.
- 3.12 A statutory notice and proposal were published and the representation period was between 12th September 2019 and 10th October 2019 (four weeks) and commenced with the publication of a statutory notice in the Birmingham Post. During the four week representation period, comments on the proposal could be submitted in writing to Education Infrastructure, via the BeHeard webpages, email or letter. A copy of the full proposal and the public notice can be found in Appendices 2 & 3.
- 3.13 Details of both the internal and external stakeholders consulted and the means by which the consultations were carried out are detailed in section 5 of this report.
- 3.14 At the close of the representation period 2 responses were received regarding the proposal, both of the responses were opposed. Copies of both responses (Anonymised) can be found in Appendix 4 of this report.
- 3.15 The Education and Inspections Act 2006 and Regulation 7 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Prescribed Alterations Regulations) state that the Local Authority must have regard to any guidance issued by the Secretary of State when making a decision on such proposals. The relevant statutory guidance is attached (Appendix 6). The Education and Inspections Act 2006, and Paragraph 5 of Schedule 3 to the Prescribed Alterations Regulations allows for the proposals to be approved, approved with modification, approved subject to meeting a prescribed condition, or rejected.
- 3.16 If the proposal is approved, the age range of New Hall Primary School will change to 4 – 11 years and the nursery provision will be removed with effect from 31st December 2019.

4 Options considered and Recommended Proposal

- 4.1 It is recommended that the proposal to alter the age range of New Hall Primary School to 4 – 11 years to remove the nursery be approved. The proposal to

remove the nursery would provide savings to the school and would avoid any future pressure on the whole school budget. The proposal will allow the school to focus their time and finances on Key stage 1 & 2.

- 4.2 Should the proposal be rejected. The financial viability of the nursery will be difficult to sustain and the school may need to subsidise the nursery provision in the future which could cause the school's budget to fall into deficit which could have an impact on standards, finances and ultimately the future of the school.

5 Consultation

5.1 Internal

During the statutory consultation period, information about the proposal was sent to:

- Ward Councillor for Sutton Reddicap.
- Officers from services across Birmingham City Council including Admissions, Finance, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Education and Skills.

Details of the responses received and outcome of the statutory consultation is set out in Appendix 4. The Ward Councillors consulted and the date and method of consultation is set out in Appendix 5.

5.2 External

- 5.2.1 The proposal has been fully consulted upon in line with the requirements set out in the statutory guidance "Making significant changes ('prescribed alterations') to maintained schools" (October 2018) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in Appendix 6.

- 5.2.2 During the pre-statutory consultation period, information about the proposal was publicised to the parents, teaching staff, and non-teaching staff. During the statutory consultation period, information about the proposal was publicised to all stakeholders consulted during the pre-statutory period and the following additional consultees:

- Birmingham Schools
- Neighbouring Local Authorities
- The Archdiocesan and The Anglican Diocese of Birmingham
- Professional Associations and Trade unions
- Local Councillor for Sutton Reddicap
- Member of Parliament for Sutton Coldfield
- Department for Education – School Organisation

- 5.2.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper

- On Birmingham City Council BeHeard webpage
- On the schools' webpages
- On the Birmingham City Council School Notice Board
- Emails to stakeholders and groups

5.2.4 A copy of the full proposal document can be found in Appendix 2 and the Public Notice in Appendix 3. The outcome of the external consultation is set out in Section 3 of this report and in Appendix 4.

6 Risk Management

6.1 Should the proposal to change the age range to 4 – 11 years to remove the nursery provision not be approved there is a high risk of the school having to fund the nursery from the whole school budget which could result in the school falling into budget deficit which could impact on the future of the school.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 There is currently a large over supply of Early Education and Childcare provision (0 to 4 age) in the local area surrounding New Hall Primary School i.e. Sutton Reddicap ward. A school with a large number of unfilled nursery places can be a risk to the financial viability and sustainability of the nursery which can impact the budget of the school. There is currently sufficient supply to fulfil our statutory duty.

7.2 Legal Implications

7.2.1 This report exercises powers contained within sections 19 and 21 of the Education and Inspections Act 2006 and Schedule 2 and Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the "Prescribed Alterations Regulations"), whereby the Local Authority of a Community School can propose to alter the age range to remove the nursery provision by following a statutory process. Under the Prescribed Alterations Regulations, the Local Authority is the decision maker for this statutory proposal.

7.3 Financial Implications

7.3.1 The school had a surplus balance of £429,360 at the end of 2018/19. Summer Term financial estimations are that the schools surplus budget will have reduced to £316,300 based on the information the school have provided.

The nursery has been operating with over 87% unfilled places, for 2018/19 they took in per term an average of 14 pupils in nursery with a full time/part time capacity of 52/104. The school have been subsidising the nursery from the school budget, closing the nursery should relieve any future pressure on the school budget.

7.4 Procurement Implications (if required)

Not applicable.

7.5 Human Resources Implications (if required)

- 7.5.1 There are no proposed staff reductions. The nursery staff will be redeployed within the school to alternative roles of the same grade. There will be no change to the terms and conditions of the staff.

7.6 Public Sector Equality Duty

- 7.6.1 An updated Equality Assessment initial screening was carried out in October 2018 (EQUA221) for the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of these recommendations.

8 Background Documents

8.1 List of Documents

- Education and Inspections Act 2006
- Making significant changes ('prescribed alterations') to maintained schools: "Statutory guidance for proposers and decision makers" published by the Department for Education (DfE) October 2018.

8.2 List of Appendices accompanying this Report (if any):

- 1. Pre-Publication Letter
- 2. Full Full Proposal Document
- 3. Public Notice
- 4. Statutory Consultation Results
- 5. Ward Councillors Consulted.
- 6. Guidance for Decision Makers